



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twelfth day of April Two Thousand Twenty Three
PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMA(MD). No.382 of 2018

The Branch Manager
Sri Ram General Insurance Company Ltd.,
Office at E-8, RIICO Industrial Area
Sitapura
Rajasthan 302 022

....Appellant / 2nd Respondent

Vs

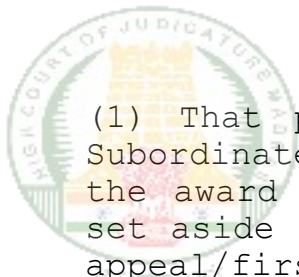
- | | |
|-------------------|--|
| 1.Govindan (died) | ... 1 st Respondent / 1 st Petitioner |
| 2.Valarmathi | ... 2 nd Respondent / 2 nd Petitioner |
| 3.Renuga | |
| 4.Thavachselvan | ... 3 rd & 4 th Respondents / 3 rd & 4 th Petitioner |
| 5.Jenova | ... 5 th Respondent / 1 st Respondent |

(Memo dated 30.01.2023 in USR No.3617 is recorded as R1 died and R2 to R4 who are already on record, are recorded as legal heirs of the deceased R1, vide Court order dated 02.02.2023)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgement and decree passed by the Motor Accident Claims Tribunal, Special Sub Court, Thanjavur in MCOP.No.338 of 2015 dated 20.04.2017.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Monday, The third day of April Two thousand and twenty three, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.D.SIVARAMAN, Advocate for the Appellant and of Mr.P.SHANMUGANATHAN, Advocate for the second to fourth respondent, and fifth respondent having not appeared either in person or by an Advocate, this court having stood over for consideration till this date, this Court doth order and decree as follows:-



(1) That passed by the Motor Accident Claims Tribunal / Subordinate Judge, Thanjavur in MCOP No.338 of 2015 of 20/04/2017 the award against the appellant/insurance company be and is hereby set aside and the liability is fixed on the fifth respondent in the appeal/first respondent in the claim petition and the Civil Miscellaneous Appeal is partly allowed.

(2) That the first respondent in the claim petition be and is hereby directed to satisfy the award.

(3) That the first respondent in the claim petition, who is the owner of the vehicle namely the first respondent is liable to pay the compensation.

(4) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(AS)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

To

1. The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Thanjavur

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-20981[F] dated 13/04/2023)

ORDER DATED : 12/04/2023

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DECREE

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CMA(MD). No.382 of 2018

Nature of Decree:- While allowing the Civil Miscellaneous Appeal in Part preferred against the award of the Special Subordinate Judge, Motor Accident Claims Tribunal, Thanjavur made in MCOP No.338 of 2015 dated 20.04.2017 and etc., as stated therein