



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MAI

(Civil Appellate Jurisdiction)

Wednesday, the Fifteenth day of February Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CMA(MD) . No.445 of 2009

THE BRANCH MANAGER
UNITED INDIA INSURANCE CO.LTD.,
BODINAYAKKANUR.

... Appellant/II Respondent

Vs

1. GNANVEL

(Minor 1st respondent is declared as major vide order dated
15.02.2023)

...1st Respondent/Petitioner

2 TMT.M.RAJALAKSHMI

...2nd Respondent/1st Respondent

Prayer :-

This Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, prefer against the Judgment and decree dated 27.03.2007 made in MCOP.39 of 2001 on the file of the Motor Accident Claims Tribunal, FTC.IV, at Periyakulam.

Decree:-

This Civil Miscellaneous Appeal came up for hearing on this day, upon perusing the grounds of Appeal, the Award of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.N.Murugesan, Advocate for the Appellant, Mr.P.Thiyagarajan, Advocate for first Respondent. This court while Allowing the Appeal and doth order and decree as follows:-

i)that award of the Motor Accident Claims Tribunal dated 27.03.2007 made in MCOP.No.39 of 2001, on the file of the Motor Accident Claims Tribunal(Fast Track Court-IV),Periyakulam, be and hereby confirmed and the Civil Miscellaneous Appeal is Allowed;

ii)that the Appellant herein/ Insurance Company be and hereby is directed to pay the award amount to the 1st Respondent herein/Claimant at the first instance and then recover it from the vehicle owner;

ii) that the 1st respondent herein/Claimant be and hereby is permitted to withdraw the amount on proving of identity;and



CMA(MD)



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iii)that there be no order as to costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS I)

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// True Copy //

/04/2023

Sub Assistant Registrar(CS)

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To

1.The Motor Accident Claims Tribunal
(Fast Track Court-IV)
Periyakulam.

2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-9033[F] dated
16/02/2023)

ORDER DATED : 15/02/2023

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DECREE

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CMA(MD) . No.445 of 2009

Nature of the Decree:-

Allowing the CMA(MD) . No.445 of 2009, preferred against judgment and decree dated 27.03.2007 made in MCOP.39 of 2001 on the file of the Motor Accident Claims Tribunal, FTC.IV, at Periyakulam. etc. as stated within.

SI/(19.04.2023) 2P/ 5C