



Civil Miscellaneous Appeal No.1380 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1380 of 2024
and CMP No.12253 of 2024

M/s.United India Insurance Company Limited.,
146-N,Kumar Complex,
Thiruchengode

... Appellant

Vs.

1. Jayanth

2. M/s.MAV Chit Pvt Limited,
AtNo.80,Sastri Salai,
Thinnur, Trichy.

3. Mohankumar

4. Bajaj Alliance General Insurance Co. Ltd.,
Door No.42A,First Floor,
SAR Complex, Sathy salai, Erode.

... Respondents

Civil Miscellaneous Appeal filed under Order XLIII Rule 1 ® of CPC ,
against the award and decree dated 30.03.2022 made in M.C.O.P.No.550
of 2011 on the file of the Motor Accident Claims Tribunal, Sub Court,
Sankari.



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For Appellant : Mr.S.Arun Kumar
For Respondents : Mr.T.S.Arthanareeswaran
for R1
M/s.J.Michael Visuvasam
for R4

JUDGMENT

This Civil Miscellaneous appeal has been filed by the Insurance company challenging the award passed by Motor Accident Claims Tribunal, Sub Court, Sankari in M.C.O.P.No.550 of 2011, dated 30.03.2022.

2. When the matter came up for hearing on 21.06.2024, this Court passed the following order :-

Mr.T.S.Arthanareeswaran, learned counsel, takes notice on behalf of first respondent.

2. Notice to respondents 2 and 3 is dispensed with since they remained ex parte before the Tribunal.

3. Mr.J.Michael Visuvasam, learned counsel, has entered appearance on behalf of the fourth respondent.

4. It is brought to the notice of this Court that in the connected appeals in C.M.A.Nos.3276 and 4715 of 2019,



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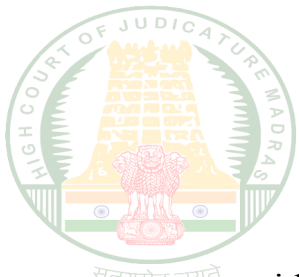
this Court was pleased to set aside the award and the matter has been remanded back to the file of the Tribunal in MACTOP No.562 of 2011 and it was directed to be heard/considered along with M.C.O.P.Nos.550 and 554 of 2011. Unfortunately, by the time the judgment came to the knowledge of the Tribunal, an independent award has been passed in M.C.O.P.No.550 of 2011, which has been put to challenge by the appellant insurance company in this appeal.

5. Learned counsel for first respondent shall take instructions in this regard and file his vakalath, so that final orders can be passed in this appeal and the award can be set aside and remanded back to the Tribunal to comply with the judgment of the Division Bench in C.M.A.Nos.3276 and 4715 of 2019.

Post this appeal under the same caption on 01.07.2024.

3. Heard Mr.S.Arun Kumar, learned counsel for the appellant and Mr.T.S.Arthanareeswaran, learned counsel for 1st respondent and M/s.J.Michael Visuvasam, learned counsel for 4th respondent.

4. This Court has carefully considered the submissions made



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on either side and also perused the materials available on record.

5. The present appeal is directed against the award passed in MCOP No.550 of 2011. There are totally three claim petitions that are involved arising out of a single accident. They are MCOP No.550, 554 and 562 of 2011. As against the award passed in MCOP No.562 of 2011, appeals were filed before this Court in CMA Nos.3276 and 4715 of 2019. These appeals were allowed and the case was remanded back to the file of the Tribunal for fresh consideration along with MCOP No.550 and 554 of 2011. Unfortunately, this order passed by the Division Bench has not been brought to the notice of the Tribunal and as a result, the Tribunal has proceeded to pass an independent award in MCOP No.550 of 2011.

6. In the light of the order passed by the Division Bench, the award passed by the Tribunal in MCOP No.550 of 2011 dated 30.03.2022 is liable to be set-aside and accordingly, the same is hereby set-aside. The direction issued by the Division Bench in CMA Nos.3276 and 4715 of 2019 shall be complied with and it is made clear that MCOP



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No.550, 554 and 562 of 2011, shall be heard and disposed of on its own merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

7. This Civil Miscellaneous appeal is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

01.07.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH.,J
rka

To,
Motor Accident Claims Tribunal, Sub Court, Sankari.

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01.07.2024