

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twelfth day of November Two Thousand and Twenty One

PRESENT

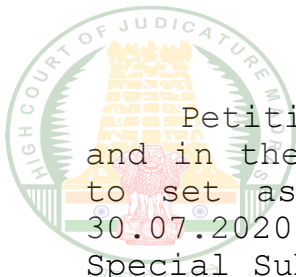
The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD) No.972 of 2021
and
CMP(MD)No. 9237 of 2021

TATA AIG GENERAL INSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
PENINSULA BUSINESS PARK, TOWER A,
15TH FLOOR, GANPATRAO KADAM MARG,
OFF. SENAPATTI, BAPAT MARG, LOWER PAREL,
MUMBAI - 400 013. ... APPELLANT/3rd RESPONDENT

Vs

- 1 SUBBAMMAL,
- 2 RAJ,
- 3 MUTHUMARI,
- 4 SANTHANAMARI,
- 5 RAJIV GANDHI, ...1st to 5th RESPONDENTS/PETITIONERS
- 6 NARAYANAN, ...6th RESPONDENT/1st RESPONDENT
- 7 JERIN, ...7th RESPONDNET/2nd RESPONDENT
- 8 THE MANAGING PARTNER,
M/S. AGHIN ROADWAYS, NO. 5/93, KOLLUPALAYAM,
OPPOSITE TO KANIYUR CHECKPOST,
KARUMATHAMPATTY, COIMBATORE. ...8th RESPONDENT/4th RESPONDENT
- 9 RELIANCE GENERAL INSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
2ND FLOOR, CITADEL ARCADE, R.C. ROAD,
OPPOSITE TO TAGORE CENTENARY HALL, KOZHIKODE,
KERALA - 673032. ...9th RESPONDENT/5th RESPONDENT
(R6,R7 AND R8 SET EXPARTE IN TRIBUNAL
AND R9 IS NOT A NECESSARY PARTY FOR
ADJUDICATION: NOTICE DISPENSED WITH)



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the award made in M.C.O.P. No. 704 of 2016 dated 30.07.2020 on the file of the Motor Accidents Claims Tribunal, Special Sub Court dealing with MCOP Cases, Tirunelveli and allow the appeal with costs.

Prayer in CMP(MD). 9237/ 2021 :

To grant interim stay of all further proceedings pursuant to the award dated 30.07.2020 made in M.C.O.P. No. 704 of 2016 on the file of the Motor Accidents Claims Tribunal, Special Sub Court dealing with MCOP Cases, Tirunelveli pending disposal of the appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.J.S.MURALI, Advocate for the petitioner, while admitting the Civil Miscellaneous Appeal, the court made the following order:-

The appellant/Insurance Company has filed this Civil Miscellaneous Appeal to set aside the award made in M.C.O.P.No.704 of 2016, dated 30.07.2020 on the file of the Motor Accidents Claims Tribunal, Special Sub Court dealing with MCOP Cases, Tirunelveli on the ground that the income is very high. Since the claimant is the bachelor 50% to be deducted for the personal expenses.

2.Admit. Notice to the respondents returnable by 10.12.2021 Private Notice is also permitted.

3.Considering the facts and circumstances of the case, there shall be an order of interim stay on condition that the appellant/TATA AIG General Insurance Company Limited, shall deposit admitted amount i.e. Rs,5,97,000/- to the credit of M.C.O.P.No.704 of 2016 on the file of the Motor Accident Claims Tribunal/ Special Sub Court dealing with MCOP Cases, Tirunelveli, on or before 10.12.2021.

4.List the matter on 10.12.2021.

sd/-
12/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO
THE JUDGE,
SPECIAL SUB COURT DEALING WITH MCOP CASES,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TIRUNELVELI.

WEB COPY

+1. C.C. to M/S.J.S.MURALI, Advocate, SR.No.8044 (I) dated 12/11/2021

ORDER
IN
CMA(MD) No.972 of 2021
and
CMP(MD)No. 9237 of 2021
Date :12/11/2021

PKP/JM/SAR-3/18.11.2021/2P/3C