



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Fourth day of April Two Thousand Twenty Three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.415 of 2020

Reliance General Insurance Company Ltd +
Madurai
Through its Divisional Manager
Office at HIG No.50 80 Feet Road ,
Sri Meenakshi Plaza Anna Nagar
Madurai -, 625020.

... Appellant/
2nd Respondent

Vs

1 R.Pasilathu Nisha
W/o.Late. Rabulthaan,
West Street,,
Sitharakottai Post,
Ramanathapuram District..

2 R.Shapna Aasmi
D/o.Late.Rabulthann,
West Street,,
Sitharakottai Post,
Ramanathapuram District..

3 R.Arsath
S/o.Late.Rabulthann,
West Street,,
Sitharakottai Post,
Ramanathapuram District..

...Respondents 1 to 3
/Petitioners

4 M.Samaya Mandhiri
S/o.Muthu,
No.25, Vadakkukadarkarai,,
Pudhukudi, Thoondi, Thiruvadanai Taluk,
Ramanathapuram District -623 409..

...4th Respondent/
1st Respondent

**Prayer:-**

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree on the file of Motor Accidents Claims Tribunal((IV Additional District Judge) Madurai dated 28.03.2018 made in MCOP No. 1122 of 2016.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday, the Fifteenth day of February Two Thousand and Twenty Three, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of M/S.S.SRINIVASARAGHAVAN, Advocate for the Appellant and of M/S.N.SUDHAGAR NAGARAJ, Advocate for the respondent No.1 and respondent No 2 to 4 having not appeared either in person or by an advocate, , and having stood over for consideration till this day, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal ((IV Additional District Judge) Madurai dated 28.03.2018 made in MCOP No. 1122 of 2016, be and is hereby confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the entire Compensation of Rs.3,29,980/- (Three Lakhs Twenty Nine Thousand Nine Hundred and Eighty only)(if not already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and with costs, within a period of eight weeks from the date of receipt of copy of this judgment.

(3) That on such deposit being made by the Appellant/ Insurance Company, the respondents 1 to 3 / claimants be and are hereby permitted to withdraw their shares as apportioned by the Tribunal with interest and costs, on filing of proper petition before the Tribunal, less any amount, if already withdrawn by them.

4) That the claimants be and are not entitled for interest for the default period if there is any,

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)



To

1.The Motor Accidents Claims Tribunal,
(IV Additional District Judge)
Madurai.

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

+1 CC to M/s.A.THEETHAR, Advocate (SR-23931[F] dated 26/04/2023)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-23275[F] dated
24/04/2023)

ORDER DATED : 24/04/2023

DECREE

CMA(MD) . No.415 of 2020

Nature of Decree:- Dismissing
the Civil Miscellaneous
Appeal preferred against the
judgment and decree of the
file of Motor Accidentsn
Claims Tribunal, (IV
Additional District Judge,
Madurai, dated 28.03.2018
made in MCOP No.1122 of 2016.

SI/(29.05.2023) 3P/ 6C