



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

**Monday, the Twenty First day of February Two Thousand Twenty Two
PRESENT**

**The Hon`ble Mrs.Justice S.ANANTHI
CMA(MD) . No.338 of 2015**

The Oriental Insurance Company limited
through its Branch Manager,
Office at 5,G.H.Road,
Theni.

... Appellant/2nd Respondent

Vs

1.Pani Stella (Died),
Arockia Vinoth (Died)

2.Pani sathish
3.Anandha Perumal
4.M/S.Swaraj Arasan Company Firm,
through its Manager,
271/A-1,Madurai Road,
Thatchanallur,
Tirunelveli-627 358.
5.S.Ramakrishnan .
6.Radhakrishnan

...R1 & R2 /1 & 3rd petitioners

...3rd Respondent/1st Respondent

...4th Respondent/3rd Respondent

...5th Respondent/4th Respondent

...6th Respondent/5th Respondent

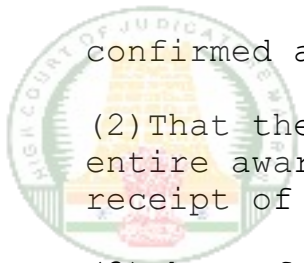
(Memo dated 16.08.2021 in USR No.17854 is recorded as R-1 died and R-2 who is already on record,recorded as legal heir of deceased R-1 and the deceased Claimant Arockia Vinoth)

Prayer:-

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award passed in M.C.O.P.425 of 2009, dated 26.07.2013 on the file of the Learned Motor Accident Claims Tribunal cum III Additional District and Sessions Judge,Tirunelveli.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on Friday the Twenty Eight day of January Two Thousand Twenty Two , upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.C.Jawahar Ravindran, Advocate for the Appellant and of MR.G.MohanKumar, Advocate for the 2nd respondent,MR.M.Saravanan Advocate for the third respondent,MR.H.Arumugam Advocate for the fourth respondent.MR.I.RobertChandrakumar Advocate for the fifth respondent,MR.H.Velvadhas Advocate for the sixth respondent and having stood over the consideration till this date, this Court while this Appeal dismissed and doth order and decree as follows:-

(1) That the award passed in M .C.O.P.425 of 2009, dated 26.07.2013 on the file of the learned Motor Accident Claims Tribunal cum III Additional District and Sessions Judge,Tirunelveli;be and hereby is



confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That the appellant/Insurance company is directed to deposit the entire award amount, within a period of six weeks, from the date of receipt of copy of the order;

(3) That after depositing the amount the 2nd respondent/claimant is permitted to withdraw the entire award amount awarded by the Tribunal with accrued interests and costs;

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The III Additional District and Sessions Judge,
The MOTOR ACCIDENT CLAIMS TRIBUNAL.
Tirunelveli.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to MR.G.Mohankumar, Advocate (SR-7572 dated 21/02/2022)

+1 CC to MR.H.Arumugam Advocate (SR-7934 dated 22/02/2022)

+1CC to MR.R.Subramanian Advocate (SR-7707 dated 22/02/2022)

ORDER DATED : 21/02/2022

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DECREE

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CMA(MD). No.338 of 2015

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award and decree dated 26.07.2013 passed in M.C.O.P.425 of 2009 on the file of the Learned Motor Accident Claims Tribunal cum III Additional District and Sessions Judge, Tirunelveli etc., as stated within..

KB(04.03.2022) 2P 7C

<https://hcservices.ecourts.gov.in/hcservices/>