



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the First day of December Two Thousand Sixteen

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PRESENT

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)Nos.1652 of 2007, 1605 of 2008

C.M.A(MD)Nos.1652 of 2007

National Insurance Company Limited,
2nd Thirumangalam North Street, Tallakulam
Madurai -2, through its Manager ... Appellant

-Vs-

1.Thankappan* (Died)
2.Bagavathyamma
3.Sunitha
4.Sujitha
5.S.Murugesan
6.Murugesan
7.Pithuraj
8.Shalini B.Chandran
9.United India Insurance Company Limited
Represented by its Branch Manager,
Chennai, Tamil Nadu.
10.Rajesh Rajalingh
11.Selvam
(Ex-parte in Tribunal: Notice dispensed with)
12.United India Insurance Company Limited,
Nagercoil, Kanyakumari District,
Represented by its Branch Manager. ... Respondents

() (RR2 to 4 are the Legal heirs of the Deceased 1st Respondent has already on record is recorded , vide court order dated 09.06.2017) (*)and (**) Amended as per order of this Hon'ble Court dated 09.06.2017.**

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 06/03/2006 in M.A.C.O.P.12/2004 on the file of the learned Motor Accidents Claims Tribunal, Sub Court, Padmanabhapuram.

C.M.A(MD)Nos.1605 of 2008

United India Insurance Co.Ltd.,
Rep. by its Branch Manager,

... Appellant

-Vs-



- 1.Thankappan (*Died)
- 2.Bagavathi Amma
- 3.Sunitha
- 4.Sujitha

()RR2 to R4 are the Legal Heirs of the Deceased 1st Respondent has already on record is recorded, vide court order dated 09.06.2017)**

(*) & ()Amended as per order of this Court dated 9.6.2017**

- 5.Murugesan.S
 - 6.Murugesan.R
 - 7.National Insurance Company Ltd.,
Rep. by its Branch Manger,
2nd Thirumanagalam North Street,
Tallakulam, Madurai -2.
 - 8.Pithuraj
 - 9.Shalini B.Chandran
 - 10.Rajesh Rajalingh
 - 11.Selvam
 - 12.United India Insurance Company Limited,
Nagercoil, Kanyakumari District,
Represented by its Branch Manger. ...Respondents
- (5th, 6th, 8th, 10th, 11th Respondents
are Ex-parte in the lower Court)
(11th and 12th Respondents herein are given up)

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree, dated 06.03.2006 made in MCOP No.12 of 2004, on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Padmanabapuram.

ORDER: These Civil Miscellaneous Appeals are coming on for order on this day upon perusing the Grounds of Appeals, the order of the Lower Court and the material papers in these Appeals and upon hearing the arguments of MR.S.SRINIVASS RAGHAVAN, Advocate for Appellant in CMA(MD)No.1652 of 2007 and of MR.BRIJESH KISHORE, Advocate for the First to Fourth Respondents in both CMAs, and of MR.N.MURUGESAN, Advocate for the Twelfth respondent in CMA(MD) No.1652 of 2007 and of MS.P.MALINI, Advocate for the Seventh respondent in CMA(MD)No.1605 of 2008 and other respondents having neither appeared in person nor through their counsel this Court doth order and decree as follows:-

i. that the Judgment and Decree dated 06.03.2006 made in MCOP.No.12 of 2004 passed by the learned Motor Accident Claims Tribunal, (Sub Judge), Padmanabhapuram be and are hereby confirmed and the Civil Miscellaneous Appeals are Dismissed;

ii. that the Appellant/Insurance Company be and are hereby directed to deposit their respective portion of the award with accrued interest and costs within a period of 4 weeks from the date of



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receipt of a copy of this order, if the same has not already been deposited.

iii.that on such deposit being made, the claimants in both appeals be and are hereby are permitted to withdraw the same with accrued interests and costs through RTGS, by filing necessary application before the Tribunal.

iv) (*) **That the amount of compensation awarded to the share of the deceased 1st respondent will be shared equally by the Respondents 2 to 4, who are legel heirs of the deceased first respondent.**

(*)Amended as per order of this Hon'ble Court dated 09.06.2017)

V. that there be no costs in these Civil Miscellaneous Appeals.

Sd/

Assistant Registrar(C.S-1)

/TRUE COPY/

Sub Assistant Registrar

To

*****To be substituted order already despatched on 07.02.2017**

The Sub-Ordinate Judge, Motor Accidents Claims Tribunal,
Padmanabhapuram.

+1cc to M/s.S.Srinivasa Raghavan, Advocate, in SR No.78711.

+1cc to M/s.B.Brijesh Kishore, Advocate, in SR No.75001,59335,59336

+2cc to M/s.N.Murugesan, Advocate, in SR No.79089 & 79090.

+1cc to M/s.P.Malini, Advocate, in SR No.78267.

Copy to: The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 01.12.2016

DECREE

C.M.A(MD)Nos.1652 of 2007, 1605 of 2008

Nature of DECREE: Dismissing the Appeal preferred against the judgment and decree dated 06.03.2006 made in MCOP.No.12 of 2004 on the file of the Motor Accident Claims Tribunal, (Sub Court), Padmanabhapuram, etc., as stated within.