



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Monday, the Eleventh day of December Two Thousand and Seventeen
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CMA(MD) Nos.1110 of 2015 and 45 of 2016

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C.M.A. (MD) Nos.1110 of 2015

Iffco Tokyo General Insurance
Company Limited,
Through its Branch Manager,
Office No.82, Third Floor,
Court Road, Nagercoil.

... Appellant/R2

Vs.

1.Jose Antony (Died)

... Respondent /petitioner

2.Sahaya Victo

... Respondent/ Respondent 1

3.Mary Sheeba

4.Josma

5.Josi

6.Jasaiya

7.Christy

(R.3 to R.7 are *suo moto* implead legal heirs
of the deceased R.1 vide Court order dated
15.11.2017 made in C.M.P.(MD).No.10114
to 10116 of 2017 in CMA(MD).No.1110 of 2015)

C.M.A. (MD) Nos.45 of 2016

1.Joes Antony (Died)

2.Mary Sheeba

3.Josma

4.Josi

5.Jasaiya

6.Christy

(A.2 to A.6 are brought on record as legal heirs
of the deceased sole appellant, vide Court order dated
15.11.2017 made in C.M.P.(MD).No.10114
to 10116 of 2017 in CMA(MD).No.45 of 2016)

... Appellants/
Petitioner

Vs.

1. Sahaya Victo

2. Iffco Tokyo General Insurance
Company Limited,
Through its Branch Manager,
Office No.82, Third Floor,
Court Road, Nagercoil.

... Respondents/Respondents



Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicles Act, 1988, preferred against the judgment and decree dated 18.02.2015, made in M.C.O.P.No.83 of 2013, on the file of Motor Accidents Claims Tribunal [Special Sub Court], Tirunelveli.

DECREE: These Appeals coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers relating to this case and upon hearing the arguments of Mr.S.Srinivasa Raghavan, Advocate for the Appellant in CMA(MD)1110 of 2015 and for the 2nd Respondent in CMA(MD)45 of 2016 and of Mr.T.Selvakumaran, Advocate for the appellants in CMA(MD)45 of 2016 and for the respondents 3 to 7 in CMA(MD)No.1110 of 2015, and the 1st Respondent in CMA(MD)No.45 of 2016 and the second respondent in CMA(MD)No.1110 of 2015 having not appeared either in person or by an Advocate and this court while dismissing these appeals doth order as follows:

i) that the judgment and decree made in M.C.O.P.No.83 of 2013, dated 18.02.2015, on the file of the Motor Accidents Claims Tribunal [Special Sub Court], Tirunelveli be and hereby are confirmed and the Civil Miscellaneous Appeals are dismissed;

ii) that the Insurance company herein be and hereby is directed to deposit the entire award amount of Rs.3,03,010/- (Rupees Three lakhs three thousand Ten only) with interest at the rate of 7.5% per annum and costs from the date of petition till the date of realization, within a period of eight weeks(8) from the date of receipt of a copy of this order, less the amount already deposited, if any;

iii) that on such deposit, Mary Sheeba, wife of the deceased claimant herein be and hereby is entitled to withdraw the entire compensation, by filing appropriate petition before the Tribunal, less the amount already withdrawn, if any;

iv) that there be no costs in these Civil Miscellaneous Appeals.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Special Sub Judge,
Motor Accidents Claims Tribunal, Tirunelveli.



Copy to

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

+1cc to Mr.T.Selvakumaran, Advocate Sr.No.92306
+1cc to Mr.S.Srinivasa Ragavan, Advocate Sr.No.92620

KMI

VB/SKN/RSK/SAR2/17.07.2018/3P/6C

DATED :11/12/2017

DECREE

CMA(MD) Nos.1110 of 2015 and 45 of 2016

Nature of the Decree:
Dismissing these Appeals
preferred against the judgment
and decree made in
M.C.O.P.No.83 of 2013, dated
18.02.2015, on the file of the
Motor Accidents Claims Tribunal
[Special Sub Court],
Tirunelveli etc., as stated
within.