



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

TUESDAY THE SEVENTH DAY OF MARCH TWO THOUSAND SEVENTEEN

THE HONOURABLE MS.JUSTICE **V.M.VELUMANI**

WEB COPY

C.M.A.(MD)No.130 of 2017

AND

C.M.P(MD)No.1458 of 2017

The Branch Manager,
Shriram General Insurance Co. Ltd,
EB Rocko Industrial Area, Sitapura
Jaipur, Rajasthan 302 022.

... Appellant/2nd Respondent

Vs.

1.Subbiah,S/O.Thavasiperumal

... 1st Respondent/Petitioner

2.Sami

3.Aruljeyanathan

4.The Branch Manager,

The Oriental Insurance Company Ltd.,

TDJ Centre, I-Floor,

Opp. To Vadaseri Bus Stand,

Nagercoil 629 001.

... Respondents 2 to 4/
Respondents 1,3 & 4.

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 12.01.2012 made in M.C.O.P.No.108 of 2010 on the file of Motor Accidents Claims Tribunal - cum - Chief Judicial Magistrate, Tirunelveli.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day. Upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in this appeal and upon hearing the arguments of M/S.K.R.Shiva Shankari, for Mr.S.Srinivasa Raghavan, Advocate for the Appellant and Mr.V.Sasikumar, Advocate for R1, Mr.K.R.Laxman for R2 and Mr.K.Bhaskaran for R4 and this court doth order and decree as follows:-

1.That the judgment and decree dated 12.01.2012 made in M.C.O.P.No.108 of 2010, on the file of Motor Accidents Claims Tribunal - cum - Chief Judicial Magistrate, Tirunelveli be and hereby confirmed and the appeal is dismissed;

2.that the appellant/Insurance Company be and hereby is directed to deposit the entire award amount to the credit of Motor Accidents Claims Tribunal - cum - Chief Judicial Magistrate, Tirunelveli, less the

amount already deposited, if any, along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs within a period of six weeks from the date of receipt of a copy of this judgment.

3.that on such deposit, the Tribunal be and hereby is directed to transfer the award amount to the personal savings Bank Account Number of the Claimant, after getting their Account details, within a period of two weeks thereafter.

4.that there be no order as to cost.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate- cum -
Motor Accidents Claims Tribunal,Tirunelveli.

2.The Record Keeper,
Madurai Bench of Madras High Court,Madurai.

+1cc to M/S.S.Srinivasa Raghavan, Advocate SR.No.13296,
+1cc to M/S.K.Bhaskaran, Advocate SR.No. 12947.

ORDER DATED:07.03.2017

DECREE

C.M.A.(MD)No.130 of 2017

Dismissing the Civil Miscellaneous Appeal by confirming the judgment and Decree dated 12.01.2012 made in M.C.O.P.No.108 of 2010, on the file of Motor Accidents Claims Tribunal - cum - Chief Judicial Magistrate, Tirunelveli.

JM/SV MMS/04.04.2017/2P/5C