



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

THURSDAY, THE TWENTY FIRST DAY OF DECEMBER, TWO THOUSAND AND SEVENTEEN

PRESENT:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.54 of 2016

P.Veilmuthu

... Appellant/1st Respondent

Vs.

1.S.Kaliammal

2.K.Poomadathi

... Respondents 1 and 2/
Petitioners

3.D.Packiyaraj

4.Sudalaikannu

... Respondents 3 & 4/
Respondents 2 and 3

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against Judgment and Decree of the I Additional District Judge, Motor Accident Claims Tribunal, Thoothukudi dated 12.01.2015 passed in M.C.O.P.No.163 of 2014.

ORDER: This Appeal coming on for hearing on this day, upon perusing the Memorandum of grounds of Appeal, the judgment and decree of the Lower Court and the material papers available in this case, and upon hearing the arguments of Mr.D.Srinivasaragavan, Advocate for the Appellant, Mr.G.Thalaimutharasu, Advocate for the second Respondent and of Mr.P.Mahendran, Advocate for the third Respondent, and Respondents 1 and 4 not appearing either in person or by Advocate and While allowing the Appeal, this Court doth order and decree as follows:

1. That the award dated 12.01.2015 passed in M.C.O.P.No.163 of 2014 on the file of the Motor Accidents Claims Tribunal(I Additional District Court), Thoothukudi be and hereby is set aside and the MCOP is remanded back to the Tribunal below for fresh consideration:

2. That the first Claimant be and hereby is permitted to withdraw a sum of Rs.25,000/(Rupees Twenty Five Thousand and only), deposited by the Appellant;

3. That the Appellant be and hereby is directed to pay a further sum of Rs.75,000(Rupees Seventy Five Thousand only, directly to the first Respondent, within a period of four weeks from the date of receipt of a copy of this order; failing which the Tribunal below will be at liberty to strike off his defence and pass award accordingly;



4. That the Tribunal below be and hereby is directed to dispose of the M.C.O.P.No.163 of 2014 in the light of the observation and directions contained in the judgment herein within a period of three months from the date of receipt of a copy of this order:

5. And that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The I Additional District Judge,
The Motor Accident Claims Tribunal(The I Additional District Court), Thoothukudi.

Copy To:

The Record Keeper, VR Section, **(2 Copies)**
Madurai Bench of Madras High Court, Madurai.

+1CC TO M/S.D.SRINIVASARAGAVAN, ADVOCATE, SR NO.94267
+1CC TO M/S.P.MAHENDRAN, ADVOCATE, SR NO.94290

ORDER DATED : 21.12.2017

DECREE

C.M.A.(MD) No.54 of 2016

Nature of the Decree: Remitting back the case by allowing the Appeal, preferred against the Judgment and Decree dated 12.01.2015 in M.C.O.P.No.163 of 2014 on the file of Motor Accident Claims Tribunal/ I Additional District Court, Thoothukudi and giving directions etc., as stated therein.

MS/KK/SAR-4/23.04.2018/3P.6C