



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CMA (MD) No. 715 of 2014

The Branch Manager,
New India Assurance Co., Ltd,
913, Main Road,
Kovilpatti - 1.

... Appellant

Vs.

1.C.Balakrishnan
2.M/s.Kulanthai Yesu Timber Dippo,
1/132-A, Main Road,
Kamanaickanpatti,
Kovilpatti Taluk.

... Respondents.

This Civil Miscellaneous Appeal under Section 173 of Motor Vehicles Act, 1988 has been filed against the judgment and decree dated 10.03.2014 made in MCOP.No.239 of 2013 on the file of the Motor Accident Claims Tribunal, 1st Additional District Court, Thoothukudi.

DECREE: This 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 the Appeal and upon hearing the arguments of Mr.G.Prabhu Rajadurai, Advocate on behalf of the Appellant and of Mr.T.Selvakumaran, Advocate on behalf of the 2nd Respondent and 1st Respondent having not appeared either in person or through an Advocate, this Court while dismissing this Appeal, doth order and decree as follows:

1. That the award dated 10.03.2014 made in MCOP No.239 of 2013 on the file of the Motor Accident Claims Tribunal/1st Additional District Court, Thoothukudi be and hereby is confirmed and Civil Miscellaneous Appeal is dismissed;

2.That the New India Assurance Company herein be and hereby is directed to deposit the sum of Rs.12,000/- (Rupees Twelve Thousand Only) in MCOP No.239/2013 with interest at the rate of 7.5% per annum from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited if any;

3.That on such deposit being made, that the Claimant be and hereby is entitled to withdraw the same in the same ratio as laid down by the Tribunal, by filing proper application, less the amount



already withdrawn by the Claimant, if any;

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

Sd/-

Assistant Registrar(RTI)

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/True Copy/

Sub-Assistant Registrar

To

1. The 1st Additional District Judge,
Motor Accident Claims Tribunal / Tuticorin.

2. The Record Keeper, V.R. Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1 ccs to Mr.G.Prabhu Rajadurai, Advocate, SR.No.92048

ORDER DATED : 08.12.2017

DECREE

CMA(MD)No.715 of 2014

Dismissing the Civil Miscellaneous Appeal preferred against the Judgment and Decree of the 1st Additional District Judge/Motor Accident Claims Tribunal, Thoothukudi dated 10/03/2014 made in MCOP No.239 of 2013 etc., as stated within.

AM/SV MMS/SAR 1/04.05.2018/2P/5C