



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Fifth day of December Two Thousand Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) .No.683 of 2015

The Branch Manager,
The National Insurance Company Limited,
Nagercoil Village,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

... Appellant/Respondent No.3

Vs.

1.Sornam
2.T.Srikumar
3.Vanithakumari
4.T.Vimala
5.T.Ilayaperumal
6.The Proprietor

... Respondents/Petitioners 1 to 4

M/s.Kakanan Latex Industries Private Limited,
No.13/1-423, M.S.Road,
Parvathipuram,
Nagercoil, Vadasery Village,
Agastheeswaram Taluk,
Kanyakumari District.

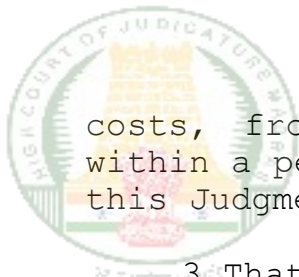
... Respondents/Respondents 1 & 2

This Civil Miscellaneous Appeal under Section 173 of Motor Vehicle Act, 1988 has been filed against the Judgment and Decree dated 24.09.2010, made in M.C.O.P.No.51 of 2006, on the file of Motor Accidents Claims Tribunal (Sub Court), Padmanabhapuram.

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 Mrs.Shiva Shankari, Advocate for the Appellant and of Mr.K.Sreekumaran Nair, Advocate for Respondents 1 to 4 and Respondents 5 and 6 no appeared either in person or through an Advocate, this Court dismissing this Appeal, doth order and decree as follows:

1. That the award dated 24.09.2010 passed in MCOP No.51 of 2006 on the file of the Motor Accidents Claims Tribunal, (Sub Court), Padmanabhapuram be and hereby is confirmed and Civil Miscellaneous Appeal is dismissed;

2. That the appellant/Insurance Company to deposit the compensation amount of Rs.7,10,000/- (Rupees Seven Lakhs and Ten Thousand Only) with interest at the rate of 7.5% per annum with



costs, 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 Judgment, less the amount already deposited, if any;

3. That on such deposit, the Claimants/respondents 1 to 4 herein are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal; and

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

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge, Motor Accidents Claims Tribunal (Sub Court), Padmanabhapuram.

Copy to:

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

+1CC to Mr.S.Srinivasa Raghavan Advocate, SR.No. 91033

+1CC to Mr.K.Sreekumaran Nair, Advocate, SR.No. 91047

DATED : 05/12/2017

DECREE

C.M.A. (MD) .No.683 of 2015

Nature of the DECREE:

Dismissing this Civil Miscellaneous Appeal preferred against judgment and decree passed by Motor Accident Claims Tribunal, Sub Court, Padmanabhapuram made in MCOP No. 51 of 2006 dated 24.09.2010 etc., as stated within.

AM/KK/SAR 1/20.02.2018/2P/6C