

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Thursday, the Seventh day of December Two Thousand and Seventeen****PRESENT****The Hon`ble Mr.Justice G.R.SWAMINATHAN****CMA(MD) No.812 of 2016**

The Divisional Manager,
National Insurance Company Ltd,
1st Floor, K.R.T. Building,
Promenade Road,
Trichy.

... Appellant/Respondent No.3

Vs.

1.Periyasamy

... Respondent 1/Petitioner

2.S.Boopathy

... Respondent 2/ Respondent 1

3. The Divisional Manager,
National Insurance Company Ltd.,
1st Floor, K.R.T.Building,
Promenade Road, Trichy.

... Respondent3 / Respondent 2

4.Nagammal
5.Periyakkal
6.Manoharan
7.Ilanjiyam
(R3 given up)

... Respondent 4/ Respondent 4

... Respondent 5/ Respondent 5

... Respondent 6/ Respondent 6

... Respondent 7/ Respondent 7

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, preferred against the judgment and decree made in MCOP.No.36 of 2004 dated 10.11.2014 on the file of the Motor Accident Claims Tribunal, Sub Court, Kulithalai.

DECREE: This Civil Miscellaneous Appeal 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.D.Sivaraman, Advocate for the Appellant and of Mr.K.Govindarajan, Advocate for the 2nd respondent and of Mr.N.Sudhagar Nagaraj, Advocate for the first respondent and the respondents 4 to 7 having not appeared either in person or by an Advocate, and this court while allowing this Appeal doth order and decree as follows:

i) that the award dated 10.11.2014 made in MCOP.No.36 of 2004 on the file of the Motor Accident Claims Tribunal, Sub Court, Kulithalai, be and hereby is set aside and the Civil Miscellaneous Appeal is allowed;



ii) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(RTI)

WEB COPY /True Copy/

Sub Assistant Registrar

To

The Sub Judge,
Motor Accident Claims Tribunal,
Kulithalai.

Copy to

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

+1cc to Mr. N.Sudhagar Nagarj, Advocate Sr.No.91530

+1cc to Mr.K.Govindarajan, Advocate Sr.No.91584

+1cc to Mr.D.Sivaraman, Advocate Sr.No.91409

VB/RSK/SAR1/23.05.2018/2P/7C

DATED :07/12/2017

DECREE

CMA(MD) No.812 of 2016

Nature of Decree: Allowing this Appeal preferred against the judgment and decree dated 10.11.2014 made in MCOP.No.36 of 2004 on the file of the Motor Accident Claims Tribunal, Sub Court, Kulithalai, etc., as stated within.