



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND NINETEEN

WEB COPY

PRESENT:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.2668 of 2006

The New India Assurance Co. Ltd.,
No.1360, Ammam Complex,
K.G.N.Salai,
Erode.

... Appellant/R-3

Versus

1.Ponnuswamy

... Respondent 1/Claimant

2.K. Kuppuswamy

... Respondent 2 /Respondent 1

3.G. Vishwanathan

4. The National Insurance Co. Ltd.,
Zone-II, No.1272-1273
Mettur Road,
Erode - 11.

... Respondents 3 & 4/R3 & R4

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 29.11.2004 passed in M.C.O.P.No.44 of 2004 on the file of Additional District Judge and Fast Track Court-I Erode.

DECREE: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the Order and Decree of the Lower Court, and the records in the case and upon hearing the arguments of Mr.S.Ramesh Babu, Advocate for the Appellant and Mr.P.Muthukumarasamy, Advocate for the first respondent and the 2nd respondent called absent and set exparte before the Tribunal and not ready in notice Regarding respondents 3 and 4, this Court, while dismissing this Civil Miscellaneous Appeal, doth order and Decree as follows:-

1.That the judgment and decree dated 29.11.2004 made in MCOP.No.44 of 2004 on the file of the Additional District Magistrate and Fast Track Court I, Erode, is be and hereby confirmed.

2.That the appellant/Insurance Company is be and hereby directed to deposit the award amount less the amount, if any, already deposited, with interest at the rate of 9% within a period of 8 weeks from the date of receipt of copy of this Judgment.



3. That on such deposit, the first respondent herein is be and hereby permitted to withdraw the award amount, by way of filing proper application before the Tribunal.

4. That there be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

smn

TO

1. The Additional District Magistrate
and Fast Track Court I, Erode.

Copy To

The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.C.Ramesh Babu, Advocate, S.R.No. 14554

+1cc to Mr.P.Muthukumarasamy, Advocate, S.R.No.14883

DATED: 18/02/2019

DECREE:

CMA.NO.2668 OF 2006

Dismissing the Appeal etc., as
stated within.

RGN(CO)
GN(27/09/2021)