



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

WEB COPY

C.M.A (MD) No.143 of 2019

United India Insurance Company Ltd.,
Through its Branch Manager,
Karaikudi.

... Appellant/2nd Respondent

vs.

1.A.R.Banumathi

...1st Respondent/Claimant

2.M/s.Sri Vairavan Roadways,
Represented by its Manager,
Having its office at
89, South Avani Moola Street,
Madurai.

...2nd Respondent/1st Respondent

3.Tamil Nadu State Transport Corporation Ltd.,
Represented through its
Managing Director,
Madurai Division-I,
Bye-Pass Road,
Madurai.

...3rd Respondent/3rd Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicle Act, 1988, to call for the records of the lower Court and to set aside the fair and decreetal order, passed by the Tribunal (Additional District and Sessions Judge, Fast Track Court No.II, Madurai) in M.C.O.P.No.239 of 1999, dated 09.11.2004.

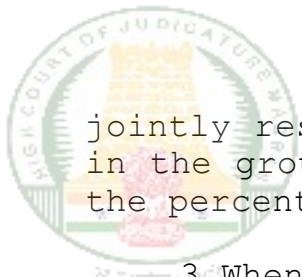
For Appellant : No appearance

For Respondents : No appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the fair and decreetal order, passed by the learned Additional District and Sessions Judge, Fast Track Court No.II, Madurai, in M.C.O.P.No.239 of 1999, dated 09.11.2004.

2.In the grounds of appeal, the appellant contended that the Court below did not consider that the accident occurred only due to the negligence on the part of the first respondent and it has been brought to the notice of this Court the Courts below in other connected matters arose out the same accident had found that the drivers of the vehicles of the first and third respondents were



jointly responsible for the accident. It is his further contention in the grounds of appeal that the Courts below had failed to observe the percentage of disability given by the Doctor.

3. When the matter was taken up for hearing, there is no representation on the side of the appellant as well as respondents.

4. On a perusal of the available records, this Court is of the opinion that there is no merits or genuineness in filing the present appeal without make any representation about the other motor accidents claim petitions. Hence, this Civil Miscellaneous Appeal is dismissed and the award passed in M.C.O.P.No.239 of 1999, dated 09.11.2004, on the file of the learned Additional District and Sessions Judge, Fast Track Court No.II, Madurai, is confirmed. The appellant/Insurance Company is directed to deposit the award amount with accrued interests and costs, less the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order and on such deposit being made, the first respondent is permitted to withdraw the award amount along with proportionate accrued interests without filing any formal application. No costs.

Sd/-

Assistant Registrar (CS-I)

/ True Copy /

Sub Assistant Registrar (CS)

To:

The Additional District and Sessions Judge,
Fast Track Court No.II,
Madurai.

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