



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Seventh day of November Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD) . No.1011 of 2012

The New India Assurance Company Limited,
Rep by its Branch Manager,
Opp to Stadium, Balamore Road,
Nagercoil, Agastheeswaram Taluk,
Kanyakumari District.

Appellant / 4th respondent

- Vs. -

1. Boniphas W/o. Maria John,
2. Viyu Prakash S/o. Maria John,
3. Shaju Prakash S/o. Maria John,
4. Jessy W/o. Gnanaprakasam,
(All are residing at "Prakash Bhavan", Melaperuvilai, Asaripallam
and Post, Agastheeswaram Taluk, Kanyakumari District - 629 201.
...Respondents 1 to 4 / Petitioners

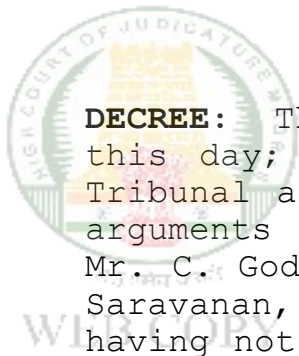
5. P.R.S. Srinivasan Door No. 1, West Palla Street, Vadiveeswaram
Village, Nagercoil, Agastheeswaram Taluk, Kanyakumari District
...5th respondent / 1st respondent

6. United India Insurance Company Limited,
Rep by its Branch Manager,
Xavier Buildings, Pwd Road,
Nagercoil, Agastheeswaram Taluk,
Kanyakumari District. 6th respondent / 2nd respondent

7. A. Dominic Savio S/o. Alangara Dasan, 47, Parameshwaran Street,
Nagercoil Village, Agastheeswaram Taluk, Kanyakumari District.
...7th respondent/ 3rd respondent

Prayer:

This Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988, against the award passed in M.C.O.P. No.165 of 2009, dated 30.03.2012 on the file of the Motor Accident Claims Tribunal/First Additional Subordinate Judge, Nagercoil.



DECREE: This Civil Miscellaneous Appeal coming up for hearing on this day; upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to this case and upon hearing the arguments of MR. B. Vijay Karthikeyan, Advocate for the Appellant, Mr. C. Godwin, Advocate for the respondents 1 to 4, Mr. B. Rajesh Saravanan, Advocate for the 6th respondent and the respondents 5 & 7 having not appeared either in person or through Counsel; this Court doth order and decree as follows:-

1. That the award and decree passed in M.C.O.P. No.165 of 2009, dated 30.03.2012 on the file of the Motor Accident Claims Tribunal, First Additional Subordinate Judge, Nagercoil be and hereby are confirmed and the Civil Miscellaneous Appeal is dismissed, confirming the liability fixed by the Tribunal as 50:50; and

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The First Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Nagercoil.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+ 1CC to Mr.B. Vijay Karthikeyan, Advocate in Sr. No.97174

+ 1CC to Mr.B. Rajesh Saravanan, Advocate in Sr. No.97213

+ 1CC to Mr. C. Godwin, Advocate in Sr. No.97104



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ORDER DATED 07.11.2019

DECREE

C.M.A (MD) No.1011 of 2012

Dismissing the Civil Miscellaneous Appeal preferred against the award passed in M.C.O.P. No.165 of 2009, dated 30.03.2012 on the file of the Motor Accident Claims Tribunal/First Additional Subordinate Judge, Nagercoil etc., as stated within.

pk (CO)
TR(10.01.2020) 3P 7C