



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

Thursday, the Twenty Fourth day of October Two Thousand Nineteen
PRESENT

WEB COPY

The Hon'ble Mr. Justice KRISHNAN RAMASAMY

CMA(MD). No.1078 of 2013

M/S.NATIONAL INSURANCE CO.LT,
D. REP.BY ITS BRANCH MANAGER 32A POLICE ,
STATION ROAD SIVAKASI 626 123..

... Appellant / 2nd Respondent

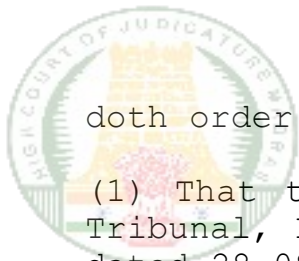
Vs

1. Ponkumar,
S/o.R.Muthuramalingam,
Clerk, Railway Security Office,
Plot No.192/2-B, Ashok Nagar 1st Street,
Madurai-625 018. ... 1st Respondent/Petitioner
2. N.Gunasekaran,
S/o.Nallamayan,
17, Kalavaasal Street,
Pattiveeranpatti. ... 2nd Respondent/1st Respondent
3. O.K.Marappa Gounder,
Chinnamayan Thottam,
Ottaikarattipalayam,
Karattipalayam Post, Gopi Taluk. ... 3rd Respondent/3rd Respondent
4. United India Insurance Co.Ltd.,
Rep.By its Branch Manager,
New Vijaya Bank Upstairs,
Coimbatore. ... 4th Respondent/4th Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 28.08.2012 passed in M.C.O.P. No.36 of 2002, on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Madurai.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.J.S.MURALI, Advocate for the Appellant, MR.R.BABU JEGANATH, Advocate for the first respondent, and of Mr.A.Shajahan, Advocate for fourth respondent and second respondent

<https://www.mcaonline.in/maonline>



doth order and decree as follows:-

(1) That the award and decree passed by the Motor Accident Claims Tribunal, Principal Subordinate Judge, Madurai in MCOP.No.36 of 2002 dated 28.08.2012 be and hereby confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That the Appellant / Insurance Company be and hereby is directed to deposit the entire award amount with accrued interests and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this Judgement.

(3) That on such deposit being made, the first respondent/claimant is permitted to withdraw the entire award amount, with accrued interests and costs, without filing any formal application before the Tribunal.

(4) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

THE PRINCIPAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI.

Copy to:

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

+1 cc to Mr.J.S.Murali, Advocate, in SR 94513

+1 cc to A.Shajahan, Advocate, in SR No.944466

ORDER DATED : 24/10/2019

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DECREE

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CMA(MD). No.1078 of 2013

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the award of the Motor Accidents Claims Tribunal, Principal Subordinate Judge, Madurai in MCOP No.36 of 2002, dated 28.08.2012 and stated etc., therein