



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

Thursday, the Seventh day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD) . No.1486 of 2011

The United India Insurance Company Limited,
Through its Branch Manager,
PWD office Road,
Nagercoil, Nagercoil Village, Agasteeswaram Taluk,
Kanyakumari District.

Appellant / 2nd respondent

- Vs. -

1. Minor John Benin, S/o.Kaspar Raj,
Rep.By His Father & Guardian Kaspar Raj,
Mela Peruvilai, Near Govt.Middle School,
Asaripallam Post, Agasteeswaram Taluk, Kanyakumari District.

...1st respondent / Petitioner

2. P.R.S.Srinivasan
West Park St., Vadiveeswaram, Vadiveswaram Village,
Agasteeswaram Taluk, Kanyakumari District.

...2nd respondent / 1st respondent

3. A.Dominic Savio, S/o.Alaskar Adpsan,
47, Parameswaran St., Nagercoil,
Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District.

...3rd respondent/ 3rd respondent

4. The New India Assurance Co. Ltd.,
Thro its Branch Manager,
Opp.Anna Stadium, Nagercoil, Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District.

4th respondent/ 4th 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.121 of 2006, dated 01.10.2010 on the file of the Motor Accident Claims
Services, Nagercoil, for the services of a 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. Rajesh Saravanan, Advocate for the Appellant, Mr. C.K.M. Appaji, Advocate for the first respondent and MR. B. Vijay Karthikeyan, Advocate for the 4th respondent; this Court doth order and decree as follows:-

1. That the award and decree passed in M.C.O.P. No.121 of 2006, dated 01.10.2010 on the file of the Motor Accident Claims Tribunal, Principal 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 Principal 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



WEB COPY

ORDER DATED 07.11.2019

DECREE

C.M.A (MD) No.1486 of 2011

Dismissing the Civil Miscellaneous Appeal preferred against the award passed in M.C.O.P. No.121 of 2006, dated 01.10.2010 on the file of the Motor Accident Claims Tribunal/ Principal Subordinate Judge, Nagercoil etc., as stated within.

pk (CO)
TR(10.01.2020) 3P 6C