



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)Nos. No.412 of 2011 and 1396 of 2015

The Branch Manager,
New India Assurance Company Limited,
Opp to Anna Stadium,
Nagercoil, Nagercoil Village,
Agastheeswaram Taluk, Kaniyakumari District.

...Appellant in CMA(MD)No. No.412 of 2011
/ 4th respondent in CMA(MD)No.1396 of 2015

3.United India Insurance Company Limited,
Rep by its Branch Manager,
PWD Office Road, Nagercoil,
Nagercoil Village,
Agastheeswaram Taluk,
Kanyakumari District.

...Appellant in CMA(MD)No.1396 of 2015

- Vs. -

1. Virgin Emalda @ Leema Virgin, W/o. Kaspar Raj, Mela Peruvilai,
Near Govt. Middle School, Asaripallam Post, Agastheeswaram Taluk,
Kaniyakumari District.

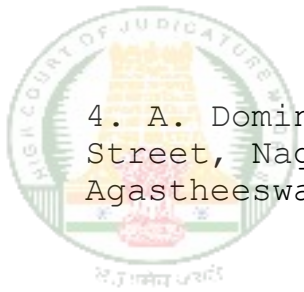
...1st respondent in both the Appeals

2. P.R.S.Srinivasan, S/o. P.R.Srinivasan, West Park Street,
Vadiveeswaram Village, Agastheeswaram Taluk, Kaniyakumari District.

...2nd respondent in both the Appeals

3.United India Insurance Company Limited,
Rep by its Branch Manager,
PWD Office Road,
Vadiveeswaram Village,
Agastheeswaram Taluk,
Kanyakumari District.

... 3rd respondent in CMA(MD)No. No.412 of 2011



4. A. Dominic Savio, S/o. Alangar Adpsan, No. 47, Parameswaran Street, Nagercoil, Nagercoil Village, Agastheeswaram Taluk, Kaniyakumari District.

...4th respondent in CMA(MD)No. No.412 of 2011/
3rd respondent in CMA(MD)No.1396 of 2015

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Common Prayer:

These Civil Miscellaneous Appeals are filed under section 173 of the Motor Vehicles Act, 1988, against the award passed in M.C.O.P. No.119 of 2006, dated 01.10.2010 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Nagercoil.

DECREE:-

These Civil Miscellaneous Appeals coming up for hearing on this day; upon perusing the grounds of Appeals, 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 in in CMA (MD)No. No.412 of 2011 and fourth respondent in CMA(MD)No.1396 of 2015, Mr. M. Sudhakar Nagaraj, Advocate for the first respondent in Both the Appeals and Mr. B. Rajesh Saravanan, Advocate for the 3rd respondent in CMA(MD)No. No.412 of 2011 and Appellant in CMA(MD) No.1396 of 2015; and respondents 2 and 3 in CMA(MD) No.1396/2015 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.119 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 Appeals are dismissed, confirming the liability fixed by the Tribunal as 50:50; and

2. That there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar(CS-III)

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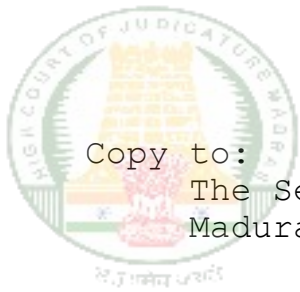
/ /2020

Sub Assistant Registrar(CS)

TO

The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



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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

ORDER DATED 07.11.2019

DECREE

C.M.A (MD) Nos.412 of 2011 &1396 of
2015

Dismissing the Civil
Miscellaneous Appeals preferred
against the award passed in
M.C.O.P. No.119 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