



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

Friday, the Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
AND

The Hon`ble Mrs.Justice R.THARANI

CMA (MD) . No.683 of 2017

M/S. NEW INDIA ASSURANCE CO.,
LTD. CATHOLIC CENTRE 913 MAIN ROAD ,
KOVILPATTI THOOTHUKUDI DISTRICT..

... Appellant / 3rd Respondent

Vs

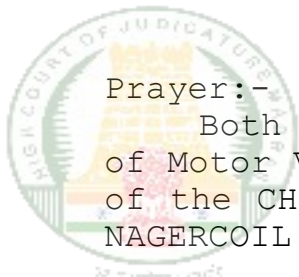
- 1 PREMA ... 1st Respondent / 1st Petitioner
- 2 CHEENU ... 2nd Respondent / 2nd Petitioner
- 3 MARIMUTUH ... 3rd Respondent / 1st Respondent
- 4 RAMALAKSHMI ... 4th Respondent / 2nd Respondent
- 5 M/S. NATIONAL INSURANCE COMPANY
LTD., 1ST FLOOR, ANGUUILAS BUILDING, NORTH,
CAR STREET, NAGERCOIL-1,
NAGERCOIL VILLAGE, ... 5th Respondent / 4th Respondent
AGASTEESWARAM TALUK, KANYAKUMARI DISTRICT..

CMA (MD) . No.755 of 2018

1. PREMA
2. CHEENU ... Appellants / Petitioners

Vs

- 1 MARIMUTHU,
- 2 RAMALAKSHMI,
- 3 M/S.NEW INDIA ASSURANCE CO.LTD
CATHOLIC CENTRE, NO.913, MAIN ROAD,,
KOVILPATTI, THOOTHUKUDI DT..
- 4 M/S.NATIONAL INSURANCE CO.LTD.
FIRST FLOOR, ANGUUILAS BUILDING, NORTH CAR,
STREET, NAGERCOIL-1, NAGERCOIL VILLAGE,,
AGASTEESWARAM TK, KANYAKUMARI DT. ... Respondents/ Respondents



Prayer:-

Both Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 preferred against award of the Tribunal of the CHIEF JUDICIAL MAGISTRATE, MOTOR ACCIDENT CLAIMS TRIBUNAL, NAGERCOIL dated 31/08/2016 made in MCOP.No.60 of 2015.

DECREE:-

These Civil Miscellaneous Appeals 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.N.DILIP KUMAR, Advocate for the Appellant in CMA (MD) No.683/2017 and third respondent in CMA(MD) No.755 of 2018 and of MR.C.SANKAR PRAKASH, for first and second respondent in CMA(MD) No.683 of 2017 MR.V.NIRMAL KUMAR, Advocate for third and fourth respondent in CMA (MD) No.683 of 2017 and Advocate for Appellant in CMA(MD) No.755 of 2018 and MR.A.S.MATHIALAGAN, Advocate for the fifth respondent in CMA(MD) No.683 of 2017, MR.D.RAJKUMAR, Advocate for fourth respondent in CMA(MD) No.755 of 2018 and first and second respondent in CMA(MD) No.755 of 2018 not appeared either in person or by an Advocate, while disposing off the Appeals, this Court doth order and decree as follows:-

(1) that the MCOP No.60 of 2015 be and hereby is remitted back to the Tribunal.

(2) That the Tribunal be and hereby is directed to enable the parties to adduce fresh evidence in support of their contentions to fix the quantum; and

(3) that there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar (CS-III)

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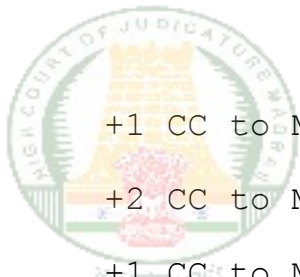
Sub Assistant Registrar(CS)

TO

The MOTOR ACCIDENT CLAIMS TRIBUNAL.
CHIEF JUDICIAL MAGISTRATE, NAGERCOIL.

Copy to:

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



+1 CC to M/s.A.S.MATHIYALAGAN, Advocate (SR-52792)

+2 CC to M/s.N.DILIP KUMAR, Advocate (SR-53119 & 53120)

+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-53166)

WEB COPY

ORDER DATED : 08/03/2019

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REMAND BACK DECREE
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CMA(MD). No.683 of 2017

Nature of Decree:- Disposing
the Civil Miscellaneous
Appeal preferred against the
judgment and decree of the
CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS
TRIBUNAL, NAGERCOIL. dated
31/08/2016 made in MCOP.
60 of 2015

KMK(CO)

TR (31.05.2019) 3P 8C