



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMA(MD) . No.55 of 2016

THE ORIENTAL INSURANCE COMPANY LIMITED
THROUGH ITS BRANCH MANAGER
OFFICE AT 2ND FLOOR
NO.107 NAVALADIAN COMPLEX,
THANTHINDRIMALAI.

... Appellant(s)

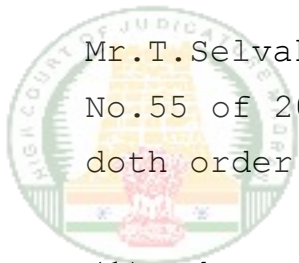
Vs

- 1 SARASPATHIE
W/O. GANESAN, NO.1/434, SRINIVASA NAGAR,
MAHARAJA NAGAR POST, PALAYAMKOTTAI TALUK.
- 2 KAMALAPATHY
W/O. SURESH BABU, NO.1/434, SRINIVASA NAGAR,
MAHARAJA NAGAR POST, PALAYAMKOTTAI TALUK.
- 3 ANDIYAPPAN
S/O. KARUPPAN GOUNDER, NO.24/41, NAYAKANUR,
SEMBIYANATHAN POST, KULITHALAI TALUK, KARUR
DISTRICT. (RESPONDENT NO.3 GIVEN UP)

... Respondent(s)

Prayer:- Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicle Act, 1988, preferred against the judgment and decree of the SPECIAL SUB JUDGE, TIRUNELVELI (MACT), dated 16/03/2015 made in MCOP.659/2014.

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.C.JAWAHAR RAVINDRAN, Advocate for the Appellant in CMA(MD)No.55 OF 2016 and of MR.K.BHASKARAN, Advocate for the second respondent IN CMA(MD)No.1000 of 2018, and of



Mr.T.Selvakumaran, Advocate for the Respondent Nos.1 & 2 in CMA(MD) No.55 of 2016 and Appellants in CMA(MD)No.1000 of 2018, this Court, doth order and decree as follows:-

(1) That the award passed by the SPECIAL SUB JUDGE, TIRUNELVELI (MACT), dated 16/03/2015 made in MCOP.659/2014 be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That the Appellant in CMA(MD)No.55 of 2016/Insurance Company do deposit the entire Award amount with interest, as awarded by the Tribunal, less the amount already deposited, if any; to the credit of the Claim Petition, within a period of 6 weeks from the date of receipt of copy of this judgment.

(3) That on such deposit being made, the claimants be and are hereby permitted to withdraw their respective shares with interest, without filing any formal permission petition before the Tribunal; and

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

TO

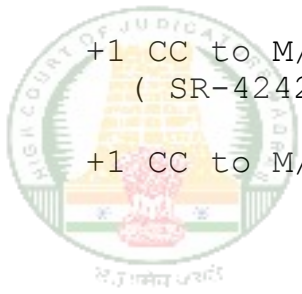
The SPECIAL SUB JUDGE, TIRUNELVELI (MACT)

Copy to:

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

+1 CC to M/s.C.JAWAHAR RAVINDRAN, Advocate

<https://hcservices.ecourts.gov.in/hcservices/>
(SR-42739 dated 25/01/2019)



+1 CC to M/s.T.SELVAKUMARAN, Advocate
(SR-42424 dated 24/01/2019)

+1 CC to M/s.K.BHASKARAN, Advocate (SR-42513)

WEB COPY

ORDER DATED : 19/12/2018

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DECREE
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CMA(MD) . No.55 of 2016
& 1000 OF 2018

Nature of Decree:- Dismissing
the Civil Miscellaneous
Appeal preferred against the
judgment and decree of the
SPECIAL SUB JUDGE,
TIRUNELVELI (MACT), dated
16/03/2015 made in MCOP.
659/2014.

ES/27.02.2019/3P/7C