



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

Tuesday, the First day of December Two Thousand and Twenty

PRESENT

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The Hon'ble Mr.Justice K.KALYANASUNDARAM

CMA(MD) . No.119 of 2008

NATIONAL INSURANCE CO.,
REP.BY THROUGH ITS MANAGER
PUDUKKOTTAI.

... Respondent No 2/Appellant

Vs

1 THANGIAH
S/O.(LATE) SEMBAN,

2 VELAYEE
S/O.(LATE) SEMBAN,

3 CHITTU
S/O.(LATE) SEMBAN,

4 PALANIAMMAL
D/O.(LATE) SEMBAN,
(All are residing at
KOOVADUPATTI,,
IDAIYAPPATTI VILLAGE,
ILLUPPUR TALUK,
PUDUKOTTAI.

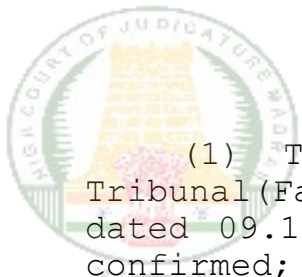
...Petitioners 1to4/Respondents
1 to 4

5 SURESH
S/O.KRISHNAN, KODIKKAL STREET,
ILLUPPUR,TALUK, PUDUKKOTTAI.

...Respondent No.1/5th Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal(Fast Track Court) Additional District Judge, Pudukkottai, dated 09.10.2006 passed in MCOP No.938 of 2003.

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 M/S.P.MALINI, Advocate for the Appellant and of MR.P.K.ANNAMALAI for the Respondent Nos. 1 to 3, this Court while disposing the appeal **(*)with modification of liability and award of the Tribunal below**, doth order and decree as follows:-



(1) That the award passed by the Motor Accidents Claims Tribunal (Fast Track Court) Additional District Judge, Pudukkottai, dated 09.10.2006 passed in MCOP No.938 of 2003 be and hereby is confirmed;

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(*) (2) That the appellant herein/Insurance Company be and hereby is entitled to recover the entire award amount with accrued interest and costs from the 5th respondent/owner of the vehicle;

(3) It is represented that the entire award amount has already been deposited by the appellant/Insurance Company, to the credit of M.C.O.P.No.938 of 2003 and that the respondent 1 to 4/the claimants be and hereby are permitted to withdraw their share in the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs, as per the ratio of apportionment made by the Tribunal; and

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

Sd/-

Assistant Registrar (CS-II)

**(*) Amended as per order of
this Hon'ble Court dated 11.02.2021.**

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TO

(*) to be substituted the order already despatched on 27.01.2021

The Additional District Judge,
Motor Accidents Claims Tribunal
(Fast Track Court)
Pudukkottai

Copy to:

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

+1cc to Ms.P.Malini, Advocate Sr.No.23760



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CMA(MD). No.119 of 2008

ORDER DATED : 01/12/2020

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DECREE

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CMA(MD) . No.119 of 2008

Nature of Decree:-Disposing of the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accidents Claims Tribunal(Fast Track Court) Additional District Judge, Pudukottai,dated 09.10.2006 made in M.C.O.P.No.938 of 2003

VB (20.01.2021) 3P 5C

NS (CO)

TR(23.02.2021) 3P 5C