



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

Tuesday, the First day of December Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD). No.170 of 2009

THE BRANCH MANAGER,
THE ORIENTAL INSURANCE CO. LTD.
3217 EAST MAIN STREET,
PUDUKKOTTAI-622 001.

... Appellant/Second Respondent

Vs

1 CHINNIAH
2 MAHALAKSHMI
3 KALYANI

... Respondent 1 to 3/Petitioners 1 to 3

4 MARIMUTHU

(RESPONDENT 4 REMAINED EXPARTE,

BEFORE THE LOWER COURT). ... 4th Respondent/1st Respondent

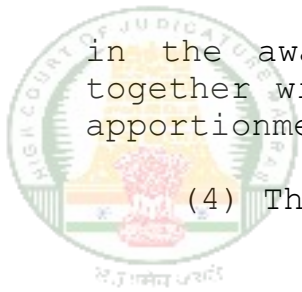
Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the ,Motor Accidents Claims Tribunal cum Principal District Court Pudukkottai, dated 10.11.2008 and made in M.C.O.P.No.252 of 2006

DECREE:-This Civil Miscellaneous Appeal having come up for final hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of ,Thiru.K.Bhaskaran, Advocate for the Appellant,of Thiru.K.Arockiasamy, Advocate for the first respondent, and of Thiru.D.Ramesh Kumar Advocate for the second and third respondents and 4th respondent having been set exparte before the Tribunal this Court while dismissing the Appeal,doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal cum Principal District Court Pudukkottai, dated 10.11.2008 and made in M.C.O.P.No.252 of 2006 be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the entire amount awarded by the Tribunal, with accrued interest and costs, less the amount already deposited, if any within a period of Eight weeks from the date of receipt of copy of this judgment;

(3) That on such deposit being made, the Respondents 1 to 3 herein/claimants be and are hereby 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in the award amount less the amount already withdrawn, if any, together with proportionate interest and costs, as per the ratio of apportionment made by the Tribunal; and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-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TO

The Principal District Judge,
Motor Accidents Claims Tribunal
Pudukkottai

Copy to:

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

+1cc to Mr.K.Bhaskaran, Advocate Sr.No.23860

ORDER DATED : 01/12/2020

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DECREE
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CMA(MD). No.170 of 2009

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accidents Claims Tribunal cum Principal District Court Pudukkottai, dated 10.11.2008 and made in M.C.O.P.No.252 of 2006 etc., as stated within.

VB (19.01.2021) 2P 5C