



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.12.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD) No.302 of 2009

General Manager,
National Insurance Co., Ltd.,
Trichy Branch,
1/33, Praminant Road,
Cantonment,
Trichy-1.

.. Appellant/Respondent-2

vs.

1.Vairaperumal
2.Malaichamy
3.Dhanapackiyam
4.Sundaramoorthy

..Respondents 1 to 3/Petitioners
..Respondent 4/Respondent 1

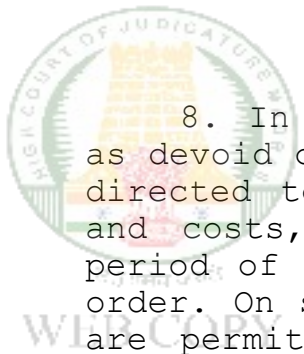
Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, against the award and decree dated 11.08.2005 and made in M.C.O.P.No.1489 of 2001 on the file of the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court No.II, Trichy.

For Appellant	:Mr.J.S.Murali
For R2 & R3	:Mr.A.Saravanan
For R1 & R4	:Dismissed vide Court Order dated 21.06.2017

J U D G M E N T

This appeal has been preferred by the appellant/Insurance Company challenging the award of the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court No.II, Trichy passed in M.C.O.P.No.1489 of 2001, dated 11.08.2005.

2. This is a case of fatal accident. The deceased was a bachelor aged about 23 years at the time of accident. The claimants are parents and sister of the deceased. It is their case that the deceased was a driver by profession and he was earning a sum of Rs.5,000/- per month. However, on 09.12.2000 when he was walking on Trichy-Madurai National Highways, he was hit by a speedy lorry bearing Registration No.TNS-8458 and immediately, he was taken to Government Hospital, Trichy and he died on 10.12.2000. The claimants sought total compensation of Rs.10,00,000/- contending that the driver of the lorry was responsible for the accident.



8. In that view, the Civil Miscellaneous Appeal is dismissed, as devoid of merits. Since the appeal is dismissed, the appellant is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the respondents 1 to 3/Claimants are permitted to withdraw the award amount as per the ratio of apportionment made by the Tribunal, by making necessary application before the Tribunal. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court No.II, Trichy.
- 2.The Record Keeper, (2 copies)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.S.Murali, Advocate Sr.No.25627

JUDGMENT MADE IN
C.M.A(MD) No.302 of 2009
14.12.2020

VB (19.01.2021) 3P 5C