



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

Monday, the Twenty Third day of November Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice K.KALYANASUNDARAM
CMA(MD). No.782 of 2008

WEB COPY

THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE CO.LTD.,
NO.3 MAIN ROAD, DINDIGUL-1.

...APPELLANT/2ND RESPONDENT

Vs

1 ALAGARSAMY, S/O.SURULI

2 MINOR.KANI, S/O.ALAGARSAMY

3 MINOR.KATHIRESAN, S/O.ALAGARSAMY

BOTH AT VIRALIPATTI,

BUTLAGUNDU (VIA),

NILAKKOTTAI TALUK,

DINDIGUL DISTRICT.

...1ST TO 3RD RESPONDENTS/PETITIONERS

4 P.SURESH,

S/O.S.PALRAJ, NO.155, RAMANAICKENPATTI,

VIRALIPATTI, BUTLAGUNDU (VIA),

NILAKKOTTAI TALUK,

DINDIGUL DISTRICT.

...4TH RESPONDENT / 1ST RESPONDENT

(RR2 & 3 - MINOR REP.THROUGH FATHER GUARDIAN

THE 1ST RESPONDENT)

(RR2 & 3 DECLARED AS MAJOR VIDE COURT ORDER DATED

23.11.2020)

Prayer:-Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 05.11.2007 made in M.C.O.P.No.232 of 2006 on the file of the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court, Dindigul.

DECREE:-Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.J.S.MURALI, Advocate for the Appellant and the respondent No.1 having died and the respondents 2 to 4 having not appeared either in person or by an Advocate this court while dismissing the Appeal and recording the submission that the appellant has already deposited the entire award amount doth order and decree as follows:-

1 That the award and decree dated 05.11.2007 made in M.C.O.P.No.232 of 2006 on the file of the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court, Dindigul be



and hereby are confirmed and the Civil Miscellaneous Appeal is dismissed;

2. That on account of the death of the first claimant, the claimants 2 and 3 be and hereby are permitted to withdraw the award amount, equally, less the amount already withdrawn, if any, together with proportionate interest and costs; and

3 That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court, Dindigul

Copy to

The Section Officer, VR Section,
Madurai bench of madras High Court,
Madurai. (+2copies)

+1cc to Mr.J.S.Murali, Advocate Sr.No.22898

ORDER DATED : 23/11/2020

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DECREE

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CMA(MD). No.782 of 2008

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against against the order dated 05.11.2007 made in M.C.O.P.No.232 of 2006 on the file of the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court, Dindigul.

VB (19.01.2021) 2P 5C