



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Eighth day of September Two Thousand and Twenty

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMA(MD) . No.1113 of 2018

V.RAJU,
S/O.VELLAICHAMY, PLOT NO.101A, KAMBUR POST
MELUR TALUK, MADURAI DISTRICT.

...Appellant/Petitioner

Vs

- 1 P.KANNAN,
S/O.PONNUKALAI, NO.281, KAMBUR POST,
MELUR TALUK, MADURAI DISTRICT.
- 2 P.DEIVENDRAN,
S/O.PONNUKALAI, PERIYA KARPOORAM PATTI,
MELUR TALUK, MADURAI DISTRICT.

... Respondents 1&2/Respondents 1&2

Prayer :- Civil Miscellaneous Appeal is filed under section 173 of MV Act, 1988 praying to set aside the Fair and Decreetal order passed in MCOP No.834 of 2014, dated 11.06.2018 on the file of the Special Sub Court, Madurai and to allow the said petition for awarding compensation to the Appellant.

DECREE; This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the Grounds of Appeal and the material papers relating to this case and upon hearing the arguments of Mr.S.MOHAMED KADHAR, Advocate for the Appellant and of Mr.K.MAHENDRAN, Advocate for the Respondents, this court, while allowing this Appeal, doth order and decree, as follows:-

1. That the Fair and Decreetal orders passed in MCOP No.834 of 2014 dated 11.06.2018 on the file of the Special Sub Court, Madurai be and hereby are set aside and the matter is remanded back;

2. That the Special Subordinate Judge, Madurai do restore the petition in its original number in the register and proceed to decide the issue afresh, after giving due opportunity to every party to adduce evidence, in support of their case in the



light of observations and directions contained in the judgment herein;

3. That the Appellant and Respondents herein be and hereby are directed to appear before the Tribunal on 02.11.2020; and

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

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO
THE SPECIAL SUBORDINATE JUDGE, MADURAI

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai(2 copies)

+1 CC to M/s.S.M. KADHAR, Advocate (SR-18199 dated 28/09/2020)

ORDER DATED : 28/09/2020

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DECREE

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CMA(MD). No.1113 of 2018

Allowing this Appeal preferred against the Fair and Decretal order passed in MCOP No.834 of 2014 dated 11.06.2018 on the file of the Special Subordinate Court, Madurai, etc, as stated within.

mk (CO)
TR(28.10.2020) 2P 5C