



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE FIRST DAY OF FEBRAURY

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

C.M.A.No.2158 of 2007

National Insurance Co.Ltd.,
Gandhipuram,
Coimbatore - 641 012.

... Appellant/3rd Respondent

..VS..

1.A.Selvaraj
2.Pappammal
3.Arukkani
4.Kannammal
5.Easwari
6.Vijayakumar
7.Sangeetha ..1 to 7 Respondents/ Petitioner 3 to 9
8.S.Mohan
9.Sivakumar .. Respondents 8 & 9/ 1&2 Respondents
[Respondents 8 and 9 exparte in lower court]

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 26.04.2006, in MCOP.No.188 of 1995, on the file of the Motor Accidents Claims Tribunal, Additional District Sessions Judge and Special Court for E.C.Act Cases, Coimbatore.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the order of the Lower court and the material papers in the case and upon hearing the arguments of MR.E.Rajadurai, Advocate for the Appellant and of Mr.Bharatha Chakravarthi for M/s.Sai & Bharath, Advocate for R1 to R7, and Respondents 8 and 9 having set exparte before the Tribunal and Appellant/Petitioner having been paid the Additional Court fees in respect of the enhanced award amount while filing of this Civil Miscellaneous Appeal itself and this court while allowing this Civil Miscellaneous Appeal by modifying the award of the Tribunal, doth order and decree as follows:

i) that the award passed by the Additional District Sessions Judge, and Special Court for E.C.Act Cases, Coimbatore in MCOP.No.188 of 1995, dated 26.04.2006 be and



hereby is set aside is so far as the Appellant herein/Insurance Company is concerned.

ii)that the Appellant herein/Insurance Company shall be permitted to withdraw the entire compensation amount already been deposited by the Tribunal by filing appropriate application before the tribunal.

iii)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Deputy Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District Sessions Judge
and Special Court for E.C.Act Cases,
Motor Accidents Claims Tribunal,
Coimbatore.

Copy to:
The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.M/s.Sai & Bharath, Advocate SR.No. 6382

Dated:05.02.2021
DECREE
CMA.No.2158 of 2007

Allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree dated 26.04.2006, in MCOP.No.188 of 1995, on the file of the Motor Accidents Claims Tribunal, Additional District Sessions Judge and Special Court for E.C.Act Cases, Coimbatore etc as stated within.

ssd(CO)
A.SK(06.09.2021)