

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

C.M.A.No. 1367 of 2007

New India Assurance Co.Ltd.,
Kumaran Shopping Complex,
Kumaran Road, Tiruppur

... Appellant / 3rd Respondent

Versus

1.S.Balu

.. 1st Respondent/ Petitioner

2.R.Arunthathi

3.National Insurance Co. Ltd.,
Branch Office,
81-D, Chetty Street,
Opp. Bus Stand,
Tiruchengode - 637 211

4.R.Thilagam

5.Minor R.Keerthana

6.V.Subramaniam

7.Kuppammal

(Minor rep. by her mother & NF
4st respondent)

(respondent 2 & 4 to 7 ex parte in Lower Court and
hence Notice may be dispensed with)

... Respondent 2 to 7/ Respondents 1,2 and 4 to 7

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree in MCOP.No.472 of 2002 dated 21.04.2006 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Erode.

DECREE: This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal , the judgment and decree of the Lower Court and the material papers in this case and upon

hearing the arguments of Mr.E.Rajaduraifor Mr.N.Vijayaraghavan, Advocate for the Appellant and of the Respondents 2,4 to 7 having been set an exparte and the notice of Respondents 1 and 3 not ready, this court doth order and decree as follows:

(i) That the award passed by the motor accidents claims tribunal, Chief Judicial Magistrate Court, Erode made in MCOP.No.472 of 2002 dated 21.04.2006 be and hereby is confirmed and the Civil Miscellaneous appeal is dismissed.

(ii) That the appellant / Insurance company be and hereby is directed to deposit the total compensation of Rs.1,30,000/- (Rupees one lakh thirty thousand only) with accrued interest and costs of determined at by the Tribunal, within a period of six weeks from date of receipt of a copy of this judgment, after adjusting the amount, if any, already deposite;

(iii) That on such deposit being made Claimants/First Respondent herein be and hereby is permitted to withdraw the amount awarded by filing proper application before the Tribunal;

(iv) That there Shall be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lok

To

1.The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Erode.

2.The Section Officer,
V.R.Section, Madras High Court,
Chennai.

+1cc to M/s.Mr.Manokaran, Advocate, S.R.No.24219

DATED: 20/04/2021

DECREE

C.M.A.No.1367 of 2007

 Dismissing the Civil Miscellaneous appeal preferred against the award passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Erode made in MCOP.No.472 of 2002 dated 21.04.2006 etc., as stated within.

AK-I(CO)
SB(01/11/2021)