

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE TMT.JUSTICE S.KANNAMMAL

C.M.A.No.2085 of 2018

Ponni

.. Appellant / Petitioner

Vs.

1.Rambai

2.The Divisional Manager,
The Oriental Insurance Company Limited,
No.1, Katpadi Salai,
Vellore.

.. Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and Decree dated 06.02.2013, made in M.C.O.P. No.298 of 2000 on the file of Motor Accidents Claims Tribunal/Principal Sub Court, Thiruvannamalai.

DECREE : This Civil Miscellaneous Appeal coming on for hearing on Tuesday, Sixth day of July, Twenty twenty one, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mrs.A.Subadra for M/s.M.Malar, Advocate for the Appellant and of Mr.R.Sivakumar, Advocate for the Respondent 2 and having stood over for consideration till this day, this Court doth order and decree as follows:

- 1.that the compensation award and Decree dated 06.02.2013 made in M.C.O.P. No.298 of 2000 on the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Thiruvannamalai be and hereby is confirmed and this Civil Miscellaneous Appeal is dismissed;
- 2.that the Appellants/Petitioner in MCOP No.298/2000 be and hereby is directed to file necessary petition before the Tribunal to implead the legal heirs of the deceased 1st respondent.

3. That the legal heirs of the deceased first respondent be and hereby is directed to deposit the award amount along with 7.5% interest and costs from the date of petition till the date of deposit, excluding the period from 05.01.2016 to 03.08.2012 and less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.298 of 2000 on the file of the Principal Sub Court, (Motor Accidents Claims Tribunal), Thiruvannamalai.
4. That on such deposit, the appellants in C.M.A.No.2085 of 2018/ Petitioner in MCOP No.298/2000 is permitted to withdraw the award amount, determined by Tribunal, less the amount, if any, already withdrawn, by filing necessary application before the Tribunal.
5. That the appeal is dismissed against the 2nd Respondent.
6. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (TNMCC)

//True Copy//

Sub Assistant Registrar

gsa

To

The Motor Accident Claims Tribunal/
The Principal Subordinate Judge,
Thiruvannamalai.

Copy to:

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

+1CC to Mr.M.Malar, Advocate, Sr.No.36978
+1CC to Mr.R.Sivakumar, Advocate, Sr.No.36790

Dated : 30.07.2021

DECREE :

C.M.A.No.2085 of 2018

Dismissing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 06.02.2013 made in M.C.O.P.No.298 of 2000 on the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Thiruvannamalai, etc., as stated therein.

PP (CO)
K.RK. (24.11.2021)