



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A. Nos.2561 of 2018 and 2054 of 2019

In CMA.No.2561 of 2018

The New India Assurance Co. Ltd.,
Represented by its authorised person,
Having office at No.12/1, Kamaraj Road,
Mahalingapuram, Pollachi 02.

...Appellant/3rd Respondent

Vs.

1. K.Sivapriyan ..1st Respondent/1st Petitioner

2. Minor K.S.Sree Dhanu
Rep. by his father/next friend/guardian
Mr.K. Sivapriyan ..2nd Respondent/2nd Petitioner

3. Vinoth ..3rd Respondent/1st Respondent

4. Dhanalakshmi
3rd & 4th Respondents remained exparte
and notice dispensed with for them
...4th Respondent/2nd Respondent

In CMA.No.2054 of 2019

1. K.Sivapriyan

2. Minor K.S.Sree Dhanu
Rep. by his father and natural guardian
Mr.K.Sivapriyan

...Appellants/Petitioners

[P2 is declared as major and P1 is discharged
from guardianship, vide order of this Court,



dated 17.12.2021 made in C.M.P. Nos. 20673 & 20675/2021 in
C.M.A. No. 2054/2019]

Vs.

1. Vinoth
2. Dhanalakshmi
3. M/s.New India Assurance Company Ltd.,
Represented by its authorised person,
No.12/1, Kamaraj Road,
Mahalingapuram,
Pollachi 642002.

....Respondents/Respondents

Common Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the Judgment and Decree dated 19.02.2018 made in M.C.O.P. No. 31/2016 on the file of the Motor Accident Claims Tribunal/IV Additional District Judge, Coimbatore.

DECREE: This Appeal coming on for hearing on Tuesday, the Fourteenth day of December, Two Thousand and Twenty One(14/12/2021) and upon perusing the grounds of appeal, the order of the Lower Court and the material papers in this case and upon hearing the arguments of Mr.M.Krishnamoorthy, Advocate for the Appellant in C.M.A. 2561/2018 and for R3 in C.M.A. 2054/2019 and of Mr.S.Thangavel, Advocate for the appellant in C.M.A. 2054/2019 and for R1 and R2 in C.M.A. 2561/2018 and third and fourth Respondent in C.M.A. 2561/2018 having remained exparte and the first Respondent in C.M.A. 2054/2019 not appeared either in person or through an Advocate and not ready in notice regarding the Second Respondent in C.M.A. 2054/2019 and the case having stood over for consideration till this day i.e. 17.12.2021, this Court doth order and Decree as follows:

1. That the Decree and Judgment passed by the Motor Accident Claims Tribunal, IV Additional District Judge, Coimbatore dated 19.02.2018 made in M.C.O.P. 31/2016 be and hereby are confirmed and the Civil Miscellaneous Appeals filed by the Insurance Company in C.M.A. 2561/2018 as well as by the Claimants in C.M.A. 2054/2019 stands dismissed;

2. That the Appellant herein/Insurance Company in C.M.A. No. 2561/2018 do deposit the entire award amount together with accrued interest and costs, less the amount already deposited, if any within a period of eight weeks from the date of receipt of a copy of this order.



3. That on such deposit being made, the first and Second Respondents herein/Claimants in C.M.A. 2561/2018 shall be permitted to withdraw their respective shares as apportioned by the Tribunal, less the amount already withdrawn, if any, together with proportionate interest and costs;

4. That there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

pvs

To

1. The Motor Accidents Claims Tribunal
IV Additional District Judge,
Coimbatore

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

+1 CC to Mr.M.Krishnamoorthy, Advocate sr 67823.

+1 CC to Mr.S.Thangavel, Advocate sr 68166.

Dated: 17.12.2021

DECREE:

C.M.A. Nos.2561 of 2018 and 2054 of 2019

Dismissing the Civil Miscellaneous Appeals filed against the Decree and Judgment dated 19.02.2018 made in M.C.O.P. 31/2016 on the file of the Motor Accident Claims Tribunal/IV Additional District Judge, Coimbatore etc as stated within

PM(CO)

SP(25/02/2022)