



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of July
Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice **R.THARANI**

CMA(MD).No.1043 of 2013

National Insurance Co. Ltd.,
Rep. by its Branch Manager,
12-A, Sub Collector Office Road,
Opp. to District Court,
Dindigul.

... Appellant/ 2nd Respondent

Vs

P.R.S.Manoharan (deceased)

1. Indira
2. Kamalanathan
3. Kannan
4. Kamaleshwari
5. Muruganesh

... Respondents 1 to 4/Petitioner
... 5th Respondent/1st Respondent

Prayer :-

This Civil Miscellaneous Appeal filed Under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated. 09.04.2011 made in M.C.O.P.No. 657 of 2009 on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, F.T.C. Dindigul.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Thursday, the Eighth day of July Two Thousand and Twenty One, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.J.S.Murali, Advocate for the Appellant and of Mr.R.Babu Jeganath, Advocate for the respondents 1 to 4 and of Mr. H.Lakshmi Shankar, Advocate for the 5th respondent, this court having stood over the matter for consideration till this date, while dismissing the Civil Miscellaneous Appeal doth order and decree as follows:-

- 1) That the award and decree dated 09.04.2011 made in M.C.O.P.No. 657 of 2009 on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, F.T.C. Dindigul be and hereby are confirmed and this Civil

https://hcservices.ecourt.gov.in/hcservices/ Miscellaneous Appeal is dismissed;



- 2) That the claimants herein/Respondents No. 1 to 5 be and hereby are entitled to a sum of Rs. 11,04,000/- (Rupees Eleven Lakhs and Four Thousand only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization;
- 3) That the appellant herein/Insurance Company be and hereby is directed to deposit Rs. 11,04,000/- (Rupees Eleven Lakhs and Four Thousand only) with 7.5% interest from date of the claim petition till the date of realization and the amount if not deposited earlier, has to be deposited within a period of 8 weeks from the date of receipt of copy of this order;
- 4) On such deposit, the claimants/Respondents No 1 to 5 shall withdraw their respective shares with proportionate interest after deducting any amount received by them earlier without filing any formal petition before the Tribunal;
- 5) That the claimants/Respondents No 1 to 5, be and hereby are not entitled for interest for the default period, if there is any; and
- 6) that there be no cost in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal/
Additional District and Sessions Judge, F.T.C.
Dindigul

Copy to:

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

+1 CC to M/s.J.S.MURALI, Advocate (SR-24062)

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-23989)



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CMA(MD). No.1043 of 2013

ORDER DATED :27.07.2021

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DECREE

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CMA (MD) . No.1043 of 2013

Dismissing the CMA(MD). No.1043 of 2013 the judgment and Decree dated 09.04.2011 made in MCOP.No. 657 of 2009 on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, F.T.C. Dindigul etc. as stated within.

VR (CO)
TR(11.08.2021) 3P 6C