



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

Monday, the Eighth day of February,
Two Thousand and Twenty One

PRESENT

The Honourable Mr.Justice K.KALYANASUNDARAM
CMA(MD). No.1288 of 2010

WEB COPY

T.Shanmugam

... Claimant/Appellant

Vs

1. Shepherd
2. United India Insurance Company Ltd.,
Represented by it's Branch Manager,
Town Branch,
Seethalakshmi Complex,
Thirunagar Post,
Madurai District.

... Respondents/Respondents

Prayer:-Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 10.04.2008 made in M.C.O.P No. 886 of 2006 on the file of Motor Accident Claims Tribunal -cum-I Additional Subordinate Court, Madurai.

DECREE:-This Civil Miscellaneous Appeal came up for final hearing on this day, 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. T.Lajapathiroy, Advocate for the Appellant and of Mr.G.Prabhu rajadurai, Advocate for the second respondent herein, and none appeared either in person through Advocate for R1 and having stood over the matter for consideration till this date, this Court while allowing the Appeal in part, doth order and decree as follows:-

(1) That the findings of Tribunal exonerating the liability of the second respondent is set aside;

(2) That the quantum of compensation awarded by the Tribunal is confirmed and Civil Miscellaneous Appeal is allowed in part ;

(3) That the Second Respondent/Insurance company be and hereby is directed to deposit the entire award amount with 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;

(4) That on such deposit being made, the Appellant/Claimant is permitted to withdraw the entire award amount by making necessary application before the Tribunal;



(5) And that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal -cum-
I Additional Subordinate Court,
Madurai.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai - 2 Copies

+1 CC to Mr. T.Lajapathi Roy, Advocate, S.R.No.3957

+1 CC to Mr. G.Prabhu Rajadurai, Advocate, S.R.No.3907

ORDER DATED 08.02.2021

DECREE

C.M.A(MD). No.1288 of 2010

Partly Allowing the Civil Miscellaneous Appeal filed against the award dated 10.04.2008, made in M.C.O.P.No.886 of 2006, on the file of the Motor Accident Claims Tribunal -cum-I Additional Subordinate Court, Madurai etc., as stated within.

VB (10.03.2021) 2P 6C