



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

**Wednesday, the First day of September Two Thousand Twenty One
PRESENT**

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1056 of 2013

WEB COPY

1.A.SHEIK MOHIDEEN, (Died)

2.MUMTAJ

(Memo dated 17.07.2018 is recorded

as the first appellant died and the 2nd

appellant, who is already on record is

recorded as L.R of deceased first appellant

vide Court order dated 23.03.2021 made

in C.M.A(MD).No.1056/2013)

... Appellants/Petitioners

Vs

1.S.LAKSHMANAN,

2.NATIONAL INSURANCE CO.LTD.,

37, C.M.C. HIGH ROAD,

HEAD POST OFFICE OPPOSITE,

TIRUNELVELI JUNCTION.

... Respondents/Respondents

Prayer:-

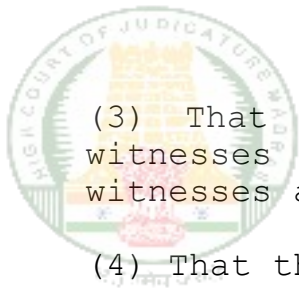
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal(Additional District Judge/Fast Track Court No.2),Tirunelveli dated 31.03.2009 made in M.C.O.P.No.561 of 2002.

DECREE:-

This Civil Miscellaneous Appeal having come up Tuesday the Tenth day of August Two Thousand and Twenty one for final hearing, 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.SELVAKUMARAN, Advocate for the Appellant and of Mr.R.Manimaran, Advocate for the first respondent and of Mr.S.Srinivasa Raghavan, Advocate for the second respondent, this Court while disposing appeal, doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal (Additional District Judge/Fast Track Court No.2),Tirunelveli dated 31.03.2009 made in M.C.O.P.No.561 of 2002 be and hereby is set aside and the matter is remitted back to the Tribunal for fresh consideration.

(2) That the Tribunal do restore the MCOP on its file in the original number and proceed to dispose of the same in accordance with law and in the light of the observations and directions contained in the judgment herein within a period of four months from the date of receipt of a copy of this judgment,



(3) That both the parties are permitted to examine additional witnesses and to mark additional documents and to recall the witnesses already examined.

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

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Additional District Judge/Fast Track Court No.2
Motor Accident Claims Tribunal,
Tirunelveli

Copy to:

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

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-27821 dated 01/09/2021)

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-27966 dated 02/09/2021)

ORDER DATED : 01/09/2021

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DECREE

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CMA(MD). No.1056 of 2013

Nature of Decree:-

Disposing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal(Additional District Judge / Fast Track Court No.2), Tirunelveli dated 31.03.2009 made in M.C.O.P.No.561 of 2002. etc as stated within.

KM(CO)

GC(26.10.2021) 2P 6C

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