



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

**Wednesday, the Seventeenth day of March Two Thousand Twenty One
PRESENT**

**The Hon`ble Mr.Justice K.KALYANASUNDARAM
CMA(MD) . No.1292 of 2011**

M/S.ORIENTALINSURANCE CO.LTD,
REP.BY ITS MANAGER
KUMBAKONAM ,
THANJAVUR DISTRICT

... Appellant / 2nd Respondent

Vs

1 MARIMUTHU
S/O.RENGAN, NO.1, GANDHI NAGAR,,
KALLAPULIYOOR, KONDANKUDI POST, KUMBAKONAM,
TALUK, THANJAVUR DISTRICT..

2 KALYANI,
W/O.MARIMUTHU, S/O.RENGAN, NO.1, GANDHI,
NAGAR, KALLAPULIYOOR, KONDANKUDI POST,,
KUMBAKONAM TALUK,
THANJAVUR DISTRICT

... 1st & 2nd Respondent / Claimants

3 KAMARUNISHA
W/O.SALAVUDEEN, NO.34, THIRUVIDAIMARUDHOOR,
ROAD, KUMBAKONAM,
THANJAVUR DISTRICT

... 3rd Respondent / 1st Respondent

Prayer:-

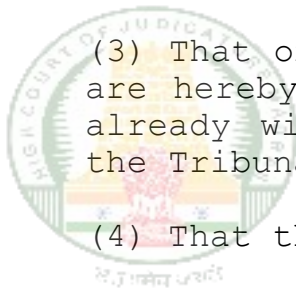
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, made in MCOP No.137/2006 of 03/09/2009 by the Principal Subordinate Court, Kumbakonam at Thanjavur.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, 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.S.VEERANASAMY, Advocate for the Appellant and of Mr.S.SIVATHILAGAR, Advocate for the first and second respondent, third respondent not appeared either in person or by an Advocate, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Principal Subordinate Court, Kumbakonam in MCOP No.137 of 2006, dated 03.09.2009 be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the entire award amount 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being made, the claimants/respondents 1 & 2 are hereby permitted to withdraw the award amount, less the amount already withdrawn, if any, by making necessary application before the Tribunal; and

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

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Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE PRINCIPAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KUMBAKONAM, THANJAVUR DISTRICT.

Copy to:

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

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-12101 dated 18/03/2021)

ORDER DATED : 17/03/2021

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DECREE

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CMA(MD). No.1292 of 2011

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the award of the Principal Subordinate Judge, Motor Accident Claims Tribunal, Kumbakonam, Thanjavur District in MCOP No.137 of 2006 dated 03.09.2009 and etc., as stated therein

KB(28.04.2021) 2P 5C