



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

Wednesday, the Twenty First day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
CMA(MD). No.225 of 2009

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LIMITED.
REP.BY ITS DIVISIONAL MANAGER,
II FLOOR, ALANKAR BUILDING,
551 D.B.ROAD, R.S.PURAM, COIMBATORE - 641 002..

... Appellant/2nd Respondent

-Vs-

1 CHINNAPPAN

...1st Respondent / Claimant

2 A.THULKARUNI SIKKANDAR

3 M.SURESH KANNAN

...2&3 Respondents/1&3 Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 praying this court to set aside the fair and decretal order made in M.C.O.P.No 156 of 2004, dated 18.08.2008. on the file of the Motor Accidents Claims Tribunal, District Judge, Sivagangai.

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.SRINIVASARAGHAVAN, Advocate for the Appellant and of MR.P.ATHIMOOLAPANDIAN, Advocate for the 1st Respondents and of MR.V.GEORGE RAJA, Advocate for the 2nd Respondent and 3rd Respondent not appearing either in person or by an Advocate, this Court doth order and decree as follows:-

(1) That, the fair and decretal order made in M.C.O.P.No 156 of 2004, dated 18.08.2008. on the file of the Motor Accidents Claims Tribunal, District Judge, Sivaganga be and hereby is confirmed and the Civil Miscellaneous Appeal is Dismissed;

(2) That the Appellant herein/Insurance Company and owner of the vehicle are directed to deposit their share of 50% of the award amount along with proportionate accrued interest and costs, less the award amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of the Judgment;

(3) That on such deposit being made, the 1st Respondent herein/Claimant be and hereby is permitted to withdraw the said award amount by filing necessary application before the Tribunal below, and



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

Sd/-

Assistant Registrar (CS III)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal,
District Judge, Sivagangai.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-17097 dated
22/04/2021)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-17118 dated
22/04/2021)

ORDER DATED : 21/04/2021

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DECREE (2/2)

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CMA(MD) . No.225 of 2009

Nature of Decree:- Dismissing
the Civil Miscellaneous
Appeal preferred against the fair and
decretal order made in M.C.O.P.No 156
of 2004, dated 18.08.2008. on the file
of the Motor Accidents Claims
Tribunal, District Judge, Sivagangai,
as stated with in.

KK(02.06.2021) 2P 6C