



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.172 of 2010

and

M.P. (MD) No.1 of 2010

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M/s.Iffco Tokio General Insurance Co. Ltd.,
Tulsi Chambers, 3rd Floor
T.V.Swami Road
R.S.Puram
Coimbatore

... Appellant/2nd Respondent

-vs-

1.Ajith (Minor)
rep.by father and NF Palanisamy ... 1st Respondent/Petitioner

2.M.Suresh ... 2nd Respondent/1st Respondent
(R2 ex parte in the Lower Court)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree, dated 06.04.2009 in M.C.O.P.No.7 of 2008, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Kulithalai.

For Appellant : Mr.V.Sakthivel

For Respondents : No appearance for R1
Ex Parte - R2

J U D G M E N T

This civil miscellaneous appeal is directed against the Judgment and Decree, dated 06.04.2009, passed in M.C.O.P.No.7 of 2008, by the Motor Accident Claims Tribunal / Subordinate Court, Kulithalai.

2. When the appeal was taken up for hearing, the learned counsel appearing for the appellant - Insurance Company submitted that he is withdrawing this appeal and he has also made an endorsement to that effect.

3. In view of the endorsement so made, the civil miscellaneous appeal is dismissed as withdrawn. However, the appellant - Insurance Company is directed to deposit the entire



award amount together with interest and costs, to the credit of the claim petition as directed by this Court at the time of granting an order of interim stay, if not already deposited, within a period of eight weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the Judgment may be utilized for official purposes, but, ensuring that the copy of the Judgment that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

- 1.The Sub Judge,
Motor Accident Claims Tribunal,
Kulithalai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-11709[F] dated 17/03/2021)
+1 CC to M/s.V.KANNAN, Advocate (SR-11879[F] dated 17/03/2021)

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TP (CO)

TR(20.05.2021) 2P 6C