



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the First day of June Two Thousand Twenty One

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD) . No.444 of 2011

A.MARIA ANTHONY(DIED),

Appellant/Petitioner

2. ANTHONY SELVI

3. M.JEBASTIAN FRANCO

4.M.MICHEAL ALOSANAI MARIAN

5.M.PHILOMINE VIJAY

(Appellants 2 to 5 are brought on record as Lrs
of deceased sole appellant vide Court order dated
03.08.18 in CMP 12071 to 12073/17)

Appellants

Vs

1. S.SARAVANAN

2. UNITED INDIA INSURANCE COMPANY LTD,
PONDICHERY

3. NATIONAL INSURANCE COMPANY LTD,
THOOTHUKUDI

Respondents/Respondents

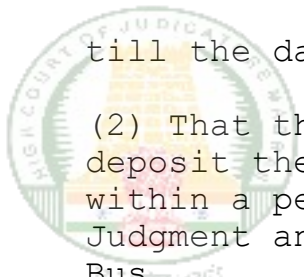
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Chief Judicial Magistrate(Motor Accident Claims Tribunal) _Thoothudui, dated 09.07.2008 made in M.C.O.P.No.81 of 2004.

DECREE:-

This Civil Miscellaneous Appeal coming for hearing on friday the ninth day of April Two thousand and Twenty one 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.C.DHANASEELAN, Advocate for the Appellants and Mr.A.JOSEPH JAWAHAR, Advocate for the second respondent and of Ms. P.MALINI, Advocate for the third respondent, this court having stood over for consideration till this day, while allowing the appeal in part and doth order and decree as follows:-

(1) That, the appellants be and hereby are entitled the award of Rs.2,05,000-(Rupees Two Lakhs and five thousand only) along with interest at the rate of 7.5% p.a, from the date of claim petition



till the date of realization, as compensation.

(2) That the Second respondent herein be and hereby is directed to deposit the award amount along with proportionate interest and costs within a period of eight weeks from the date of receipt of a copy of Judgment and thereafter, recover the same from the owner of the Omni Bus.

(3) That on such deposit being made, the appellants (legal heirs of the deceased appellant) be and are hereby permitted to withdraw the award amount together with proportionate interest and costs by filing appropriate application before the Tribunal.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal, Toothudui,

Copy to:

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

+1 CC to M/s.P.MALINI, Advocate (SR-18640 dated 02/06/2021)

ORDER DATED : 01/06/2021

MKKSJ

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DECREE

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CMA(MD). No.444 of 2011

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the Chief Judicial Magistrate(Motor Accident Claims Tribunal) Thoothudui, dated 09.07.2008 made in M.C.O.P.No.81 of 2004 and etc as stated within.