



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Tenth day of February Two Thousand and Twenty One
PRESENT

The Hon`ble Mr. Justice K.KALYANASUNDARAM

CMA(MD) . No.220 of 2010

WEB COPY

STANLY, S/O.GNANAPRAKASAM,

... APPELLANT/PETITIONER

VS

1 R. SUBASH

2 MINOR S. AGNAS SURYARAJ

(REP THROUGH HIS FATHER AND NEXT FRIEND.,
MR.P.P.SELVAM) .

3 THE ORIENTAL INSURANCE COMPANY,
THROUGH ITS BRANCH MANAGER, D.D.J.CENTER,
IST FLOOR, OPPOSITE VADASERY BUS STAND,
NAGERCOIL, AGASTHEESWARAM TALUK,
KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the award dated 29/07/2009 passed in M.C.O.P.No.06 of 2007, on the file of the Motor Accident Claims Tribunal(Chief Judicial Magistrate), Nagercoil.

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.G.VENUGOPAL, Advocate for the Appellant and MR.C.JAWAHAR RAVEENDRAN, Advocate for the Respondent No.3/ Insurance Company and no Appearance For the Respondents, No.1 & 2 either in person or by an advocate this court while Partly Allowing this Civil Miscellaneous Appeal, doth order and decree as follows:-

(1) that the finding of the Tribunal below Fixing contributory negligence be and here by is set aside and the Civil Miscellaneous Appeal is Partly allowed;

(2) that the **(*)Third Respondent/3rd Respondent** herein be and hereby is directed to deposit the entire award amount of Rs.1,47,000/- to the credit of the claim petition with interest at the rate 7.5% per annum., within a period of eight weeks from the date of the copy of this judgment;

(3) that on such deposit being made, the claimant/Appellant be and hereby is permitted to withdraw the entire award amount after filing necessary application before the Tribunal;



CMA(MD)



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

Sd/-

Assistant Registrar (T&P)

(*) Corrected as per the order of this Court dated 29.03.2023 in CMA(MD). No.220 of 2010

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2023

Sub Assistant Registrar(CS)

TO

(*) To be substituted to the order already despatched on 15.03.2021

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Nagercoil,
Kanniyakumari District.

Copy to:

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

+1 CC to MR. M.P. SENTHIL, Advocate (SR-4429 dated 11/02/2021)

ORDER DATED : 10/02/2021

CORRECTED DECREE

CMA(MD). No.220 of 2010

Nature of Decree:- Partly allowed the Civil Miscellaneous Appeal preferred against the judgment and decree of the M.C.O.P.No.06/2007, on the file of the Motor Accident Claims Tribunal(Chief Judicial Magistrate), Nagercoil.

KM (11.03.2021) 2P 5C
RD(17/04/2023) 2P 5C