



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT,
(CIVIL APPELLATE JURISDICTION)**

**WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY ONE
PRESENT**

THE HON`BLE MRS.JUSTICE S.ANANTHI

CMA(MD)NO.504 OF 2011

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M/S.UNITED INDIA INSURANCE
COMPANY LIMITED, THENI,
THROUGH ITS BRANCH MANAGER

... APPELLANT/2ND RESPONDENT

Vs

1.R.MAALAIAMMAL
2.R.RAMESH
3.R.SURESH
4.P.MARYAMMAL
5.VEDAMANI

... 1 TO 4 RESPONDENTS/PETITIONERS
... 5TH RESPONDENT/1ST RESPONDENT

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the order of the Tribunal in M.C.O.P.No.2040 of 2006, dated 20.08.2010 on the file of the Motor Accidents Claims Tribunal/I Additional District Court, Madurai.

Decree: This Civil Miscellaneous Appeal coming for final hearing and upon perusing the grounds of Appeal, the order of the Tribunal and the material papers of the Appeal and upon hearing the arguments of Mr.J.S.Murali, Advocate for the Appellant, MS.Vidya for Mr.T.Selvakumaran, Advocate for the 1st to 4th Respondents, and 5th Respondent not appeared either in person or by Advocate, this Court doth order and decree as follows:-

i)That the award made in MCOP.No.2040 of 2006 dated 20.08.2010 by the Motor Accidents Claim Tribunal/I Additional District Court, Madurai, be and is hereby modified and the Civil Miscellaneous Appeal is Partly Allowed in the light of observations and directions contained in the judgment herein,

ii)That the Appellant/United India Insurance Company Limited, be and hereby is directed to deposit the compensation awarded by the Tribunal i.e., Rs.3,55,000/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.2040 of 2006, dated 20.08.2010 on the file of the Motor Accidents Claims Tribunal/I Additional District Court, Madurai, within a period of four weeks from the date of receipt of a copy of this order and recover the same from the owner of the Ambassador Car bearing Registration No.TN 60 2426 on the same cause of action;

<https://hcservices.ecourts.gov.in/hcservices/>



iii) That on such deposit being made, the claimants are entitled to withdraw the same after following due process of law;

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

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TO

The I Additional District Judge,
Motor Accidents Claims Tribunal, Madurai.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC to M/s.J.S.Murali, Advocate, SR.No.39042

ORDER DATED : 15/12/2021

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DECREE

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CMA(MD)No.504 of 2011

Nature of Decree:-Partly Allowing the Civil Miscellaneous Appeal preferred to set aside the Judgment and Decree dated 20.08.2010 passed in M.C.O.P.No.2040 of 2006, on the file of the Motor Accident Claims Tribunal/I Additional District Judge, Madurai.

KS (CO)

GC (14.02.2022) 2P 5C