



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

Thursday, the Fourth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD) . No.722 of 2009

- 1 Paulraj
- 2 Vasantha
- 3 Rajasekar
- 4 Sornamala

... Appellants/Petitioners

Vs

- 1 KOLANDAISAMY
- 2 NATIONAL INSURANCE COMPANY LTD.,
GOPICHETTIPALAYAM.

- 3 KASI

(R1 & R3 WERE EXPARTE IN THE TRIAL COURT).

... Respondents/Respondents

Prayer:-

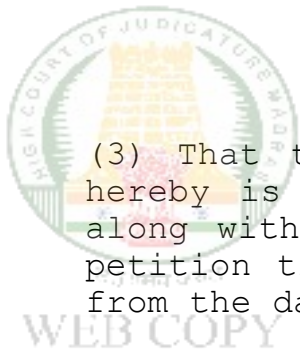
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award and decree of the Motor Accident Claims Tribunal(II Additional District Judge), Tirunelveli, dated 21.07.2007 made in M.C.O.P.No. 1476 of 2004.

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.T.SELVAKUMARAN, Advocate for the Appellants and of MR. S. SRINIVASA RAGHAVAN, Advocate for the 2nd respondent, Respondents 1 and 3 were set ex-parte before the Tribunal and since the appellant 3 and 4, who are the brother and sister of the deceased are not the Dependants of the deceased they are not entitled for any compensation, while this appeal is allowed in part, this Court doth order and decree as follows:

(1) That the award passed by the Motor Accident Claims Tribunal(II Additional District Judge), Tirunelveli, dated 21.07.2007 made in M.C.O.P.No. 1476 of 2004, be and hereby is set aside and the Civil Miscellaneous Appeal is partly allowed.

(2) that the appeal in respect of the appellants 3 and 4 herein/ brother and sister be and hereby are dismissed.



(3) That the second respondent herein/ Insurance Company be and hereby is directed to deposit the award amount of Rs. 3,22,000/- along with interest at the rate of 6% p.a from the date of claim petition till the date of realization, within a period of 8 weeks from the date of receipt of copy of the order;

(3) That on such deposit being made, the appellant 1 and 2 herein/ claimants 1 and 2 be and hereby are permitted to withdraw the award amount equally with proportionate accrued interest and costs by filling formal application before the Tribunal.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The II Additional District Court,
Motor Accident Claims Tribunal, Tirunelveli.

Copy to:

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

+1 CC to M/s.T.SELVA KUMARAN, Advocate (SR-3574 dated 05/02/2021)
+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-3431 dated 05/02/2021)

ORDER DATED : 04/02/2021
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DECREE
=====

CMA(MD). No.722 of 2009

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous Appeal
preferred against the award
and decree of the Motor
Accident Claims Tribunal(II
Additional District Judge),
Tirunelveli, dated 21.07.2007
made in M.C.O.P.No. 1476 of
2004.

SE (CO)

TR(05.03.2021) 2P 6C

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