



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

Monday, the Eleventh day of January Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD). No.371 of 2010

1.SAHUL HAMEED

2.The Oriental Insurance Co.Ltd.,
K.J.R.complex, 10,North Veli Street,
Madurai.

... Appellant 1&2/Respondent 1&2

Vs

1 V.MEENA

2 V.RAJESH KANNA

3 V.KALIRAJ

(Minor Respondent3 is declared as Major

Vide order dated.11.01.2021 in CMA(MD)No.371/2010)

...Respondents 1to3/Claimants 1 to 3

4 MANAGING DIRECTOR, TAMIL NADU STATE,
(KATTABOMMAN) TRANSPORT CORPORATION, NO.2,,
TRIVANTHAPURAM ROAD, VANNARAPETTAI,,
TIRUNELVELI-3.

5 K.SEENIVASAN
(R5 REMAINED EXPARTE BEFORE THE,
LOWER COURT).

6 DIVISIONAL MANAGER
UNITED INDIA INSURANCE CO. LTD.,
67, TRICHY,MAIN ROAD, SALEM-1..

... Respondent 4to6/Respondents 3to5

PRAYER:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award made in MCOP No.1798/1998, dated 30.11.2007 on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Madurai



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.K.BHASKARAN, Advocate for the Appellants and of MR.M.JEGADESH PANDIAN, Advocate for Respondents 1 to 3 and of MR.M.PRAKASH, Advocate for Respondent 4 and of MR.J.S.MURALI, Advocate for the Respondent 6 and Respondent 5 set exparte before the lower court, this Court doth order and decree as follows:-

(1) that the award made in MCOP No.1798/1998, dated 30.11.2007 on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Madurai be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

(2) That the Appellant herein/Insurance Company be and hereby is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment.

(3) That the Tribunal below be and hereby is directed to disburse the Share of the Respondent 3 herein/Minor claimant in the MCOP;

(4) That on such deposit being Respondents 1 to 3 herein/Claimants 1 to 3 be and are hereby permitted to withdraw the award amount, less the amount already withdrawn, if any, as apportioned by the Tribunal together with proportionate interest and costs; and

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

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal-cum-Chief Judicial
Magistrate, Madurai



Copy to:

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

+1 CC to M/s.M.PRAKASH, Advocate in S.R.No.1007/21.

+2 CC to M/s.K.BHASKARAN, Advocate in S.R.Nos.1219&1220/21.

+2 CC to M/s.J.S.MURALI, Advocate in S.R.Nos.906&908/21.

ORDER DATED : 11/01/2021

=====

DECREE

=====

CMA (MD) . No.371 of 2010

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the award made in MCOP No.1798/1998, dated 30.11.2007 on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Madurai etc., as stated with in.

SVN (CO)
TR (19.05.2021) 3P 9C