



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

Friday, the Twenty Ninth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CMA(MD). No.90 of 2011

The Manager,
The oriental Insurance Company Ltd.,
Luckman Manzil Floor, Old No.130, New No.258,
Angappar Naicken Street, Post Box No.1589,
Chennai-600 001. : Appellant /3rd Respondent

Vs.

1.Selvarani
2.Anthony Ammal
3.Minors S.Jerin
4.Minor S.Jebin : Respondents 1 to 4/Petitioners 1 to 4
(Respondents 3 & 4 are represented
through their mother first respondent)

5.N.Ganesh : 5th Respondent/1st Respondent

6.K.Jeyakumar : 6th Respondent/2nd Respondent
(Respondents 5 & 6
remained exparte before the Lower Court)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, preferred against the judgment and decree dated 13.08.2010 passed by the Motor Accidents Claims Tribunal cum Principal Sub Judge, Nagercoil in M.C.O.P.No.61 of 2009.

DECREE:-

This Civil Miscellaneous Appeal come up for hearing on Wednesday the Twenty Third Day of December Two Thousand and Twenty and 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 Appellant and none appeared for the 1 to 4 and 6th respondents and the 5th respondent was dismissed vide order of this court dated 10.04.2019, and having stood over for consideration till this day, this Court doth order and decree as follows:-

1. That the award passed by the Motor Accident Claims Tribunal cum Principal sub Judge, Nagercoil, dated 13.08.2010 made in MCOP No.61 of 2009 be and hereby is set aside and the Civil Miscellaneous Appeal is allowed;



2. That the 6th respondent/the Vehicle owner, who remained exparte before the Tribunal, be and hereby is directed to pay the entire compensation with interest and costs within a period of two months from the date of receipt of a copy of this order.

3. That on such deposit being made, the claimants be and hereby are permitted to withdraw their proportionate share as apportioned by the Tribunal, if the minors have attained majority and if not, the order passed by the Tribunal, if the minors have attained majority and if not, the order passed by the Tribunal has to be complied in respect of minors; and

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Principal Sub Judge,
Motor Accident Claims Tribunal, Nagercoil.

2. The Section Officer,V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

+1 CC to M/s.K.BHASKARAN, Advocate (SR-2636 dated 01/02/2021)

ORDER DATED : 29/01/2021

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DECREE

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CMA(MD). No.90 of 2011

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Principal Sub Judge, Motor Accident Claims Tribunal, Nagercoil, dated 13.08.2010 made in MCOP No.61 of 2009.

pm (CO)

TR(24.03.2021) 2P 5C