



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

Tuesday, the Sixteenth day of February Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
CMA(MD). No.678 of 2010

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M/s United India Insurance Company Ltd.,
rep.by its Divisional Manager
No.52, South Masi Street
Madurai 625 001 .. Appellant /2nd Respondent

Vs

1. M/s National Transport Company
No.137-141/66-67
East Veli Street
Madurai .. 1st Respondent/1st Respondent

2. Tamil Nadu Electricity Board
Avaniapuram
rep. By its Assistant Engineer
Avaniapuram,
Madurai .. 2nd Respondent/Claimant

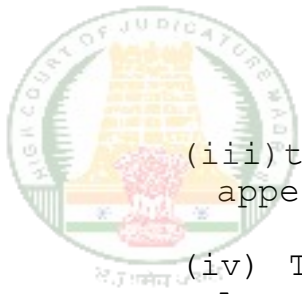
Prayer :-

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 to set aside or modify the order of the Tribunal in MCOP No.1493 of 2004 dated 19.03.2009 on the file of the Motor Accident Claims Tribunal-cum-Additional District and Sessions Judge (Fast Track Court No.III), Madurai

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.A.S. Mathialagan, Advocate for the Appellant and of Mr. J.Lawarance, Advocate for the First Respondent and Mr. R. Murali, Advocate for the Second Respondent, and in pursuance of the submission made by the learned Counsel for the appellant that the entire amount has already been deposited, this Court, while allowing the Appeal, doth order and decree as follows:

(i) That, the Judgment and Decree of the Motor Accident Claims Tribunal-cum-Additional District and Sessions Judge (Fast Track Court No.III), Madurai dated 19.03.2009 passed in MCOP No.1493 of 2004 be and hereby is set aside.

(ii) that, the Appellant herein/Insurance Company be and hereby, is liable to pay a sum of Rs.6000/-



(iii)that, the excess amount shall be refunded to the appellant and

(iv) That, there be no costs in the Civil Miscellaneous Appeal

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Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Assistant Engineer
Tamil Nadu Electricity Board
Avaniapuram, Madurai

2. The Motor Accident Claims Tribunal-cum-Additional District
and Sessions Judge (Fast Track Court No.III), Madurai

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-5540 dated 17/02/2021)
+1 CC to M/s.A.S.MATHIALAGAN, Advocate (SR-5572 dated 17/02/2021)

ORDER DATED : 16/02/2021

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DECREE

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CMA(MD). No.678 of 2010

Nature of Decree

Allowing the CMA(MD). No.678 of 2010 preferred against that the Judgment and Decree of the the Motor Accident Claims Tribunal-cum-Additional District and Sessions Judge (Fast Track Court No.III), Madurai dated 19.03.2009 made in MCOP No.1493 of 2004

KB(19.04.2021) 2P 7C