



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the First day of February Two Thousand Twenty One

PRESENT

The Hon'ble Mr. Justice K.KALYANASUNDARAM

CMA(MD). No.698 of 2010

THE NEW INDIA ASSURANCE,
COMPANY LTD. D.NO.41-B VICTORIA STREET ,
THOOTHUKUDI THROUGH ITS BRANCH MANAGER.

... Appellant/ Respondent No.2

Vs

1 ANNALAKSHMI

2 IYYAMPANDI

... Respondent Nos. 1& 2/ Claimants

3 THIBARSIAN

... Respondent No.3 /Respondent No.3

Prayer:-Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal (II Additional District Judge), Tirunelveli, dated 02.12.2009 made in MCOP No.707 of 2008.

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.MURUGESAN, Advocate for the Appellant and of MR.V.SASIKUMAR, Advocate for the Respondents No.1 and 2 and of MR.M.P.SENTHIL, Advocate for the 3rd Respondent, this Court doth order and decree as follows:-

(1) That the award passed by the Tribunal below in MCOP No.707 of 2008, dated 02.12.2009 be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the amount awarded by the Tribunal, together with interest and costs, after deducting the amount already deposited if any, within a period of 8 weeks from the date of receipt of copy of this judgment;

(3) That on such deposit being made, the Respondents No.1 & 2/ claimants be and hereby shall withdraw the award amount as apportioned by the Tribunal, less the amount already withdrawn, together with proportionate interest and costs;



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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

TO

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

Copy to:

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

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-2747 dated 02/02/2021)

ORDER DATED : 01/02/2021

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DECREE
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CMA(MD) . No.698 of 2010

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal (II Additional District Judge), Tirunelveli, dated 02.12.2009 made in MCOP No.707 of 2008 etc., stated within.

VB (04.03.2021) 2P 5C