



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

**Thursday, the Twenty Fifth day of March Two Thousand Twenty One
PRESENT**

**The Hon`ble Mr.Justice K.KALYANASUNDARAM
CMA(MD). No.700 of 2010**

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The New India Assurance Co.Ltd.,
2486, Rekha Towers
Kamarajar Salai
Madurai.

... Appellant/2nd Respondent
Vs

1.SAHAYARAJ

... 1st Respondent/Petitioner

2.R.KANNAN

... 2nd Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 09.09.2009 made in MCOP No.36/2007 on the file of the Motor Accident Claims Tribunal, Sub-Court, Kulithalai

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.B.VIJAYA KARTHIKEYAN**, Advocate for the Appellant and of **MR.D.SRINIVASA RAGHAVAN**, advocate for First Respondent and no appearance for the Second Respondent either in person or by Advocate , this Court doth order and decree as follows:-

1. That the award dated **09.09.2009** made in **M.C.O.P No.36/2007** on the file of the **Motor Accident Claims Tribunal, Sub-Court, Kulithalai** 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 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 Order.

3. that on such deposit being made, the claimant is permitted to withdraw the award amount, less the amount already withdrawn, if any together with proportionate interest and costs and



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

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Sd/-

Assistant Registrar (T&P)

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal,
(Sub-Court) Kulithalai.

Copy to:

The Section Officer, V.R. Section, Madurai Bench - 2 Copies

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-13755 dated 25/03/2021)

+1 CC to M/s.B.VIJAYKARTHIKEYAN, Advocate (SR-13823 dated 26/03/2021)

ORDER DATED : 25/03/2021

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DECREE

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CMA(MD) . No.700 of 2010

Nature of Decree:-

Dismissing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 09.09.2009 made in MCOP No.36/2007 on the file of the Motor Accident Claims Tribunal, Sub-Court, Kulithalai

KB(28.04.2021) 2P 6C