



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

Friday, the Twenty Third day of July Two Thousand and Twenty One
PRESENT

The Hon'ble Mrs. Justice R. THARANI
CMA(MD). No.621 of 2013

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United India Insurance Co. Ltd.,
6-42-1, Ward No.5, Dr.Vullakki Street,
Salipeta, Tenali - 522 201.
Andra Pradesh.

...Appellant / 2nd Respondent

Vs.

1.S.Edward Raj

2.Madhucon Projects Limited,
Jubilee Hills, Hyderabad (District),
Andhrapradesh.

...Respondents / 1st Respondent

Prayer:

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 05.11.2012 passed in M.C.O.P.No.313 of 2011 on the file of the Motor Accident Claims Tribunal (II Additional District Judge), Thoothukudi.

DECREE: -

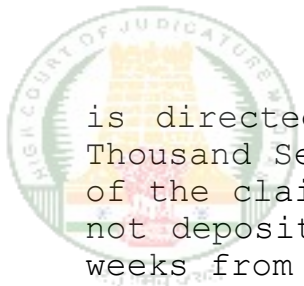
Civil Miscellaneous Appeal having come up for final hearing on Friday, the Ninth day of April, Two Thousand and Twenty One upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.I ROBERT CHANDRA KUMAR, Advocate for the Appellant and of Mr.S.SIVATHILAKAR, Advocate for the 1st Respondent, While Dismissing the Civil Miscellaneous Appeal having stood over consideration on till this day, this Court doth order and decree as follows:-

1 That the judgment and decree dated 05.11.2012 passed in M.C.O.P.No.313 of 2011 on the file of the Motor Accident Claims Tribunal (II Additional District Judge), Thoothukudi be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

2 That the claimant herein / 1st Respondent be and hereby is entitled to a sum of Rs.1,91,720/- (Rupees One Lakhs Ninety One Thousand Seven Hundred and Twenty only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization;

3 That the appellant herein / Insurance company be and hereby

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is directed to deposit Rs.1,91,720/- (Rupees One Lakhs Ninety One Thousand Seven Hundred and Twenty only) with 7.5% interest from date of the claim petition till the date of realization and the amount if not deposited earlier, has to be deposited within a period of eight weeks from the date of receipt of copy of this order;

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4 On such deposit, the first respondent is permitted to withdraw the award amount with interest after deducting any amount received by him earlier without filing any formal petition before the Tribunal;

5 That the claimant is not entitled for interest for the default period, if there is any;

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal
(II Additional District Judge), Thoothukudi.

Copy to:

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

+1 CC to Mr.S.SVIA THILAKAR, Advocate, SR-23596

+1 CC to Mr.G.PRABHU RAJA DURAI, Advocate, SR-23814

ORDER DATED : 23/07/2021

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DECREE

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CMA(MD). No.621 of 2013

Nature of Decree : Dismissing the Civil Miscellaneous Appeal against judgment and decree dated 05.11.2012 passed in M.C.O.P.No.313 of 2011 on the file of the Motor Accident Claims Tribunal (II Additional District Judge), Thoothukudi etc., as stated within.