



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

Tuesday, the Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.697 of 2014

M/S. UNIETD INDIA INSURANCE COMPANY LIMITED,
REP BY ITS MANAGER,
31, MAIN ROAD, K.V.B.NAGAR,
SENKUNTHAPURAM, KARUR-2.

... Appellant/2nd Respondent

-Vs-

1 KUMARA MANIKANDA MURALI, ... 1st Respondent/Petitioner

2 M/S. KARUR AMMAN TRANSMITS,
REP BY ITS MANAGER,
9, ATHIKRISHNAPURAM,
KARUR.

... 2nd Respondent/1st respondent

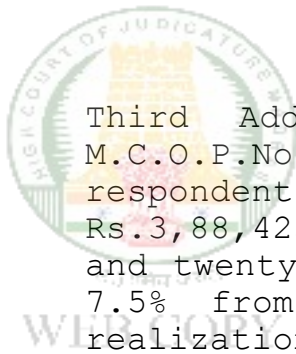
(R2 EXPARTE IN TRIBUNAL, NOTICE,
DISPENSED WITH).

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the order and decree dated 22.11.2012 passed in M.C.O.P.No.2058 of 2009 on the file of the Motor Accident Claims Tribunal-Third Additional Subordinate Judge Court, Tiruchirappalli.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday the fifteenth day of September two thousand and twenty one 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 M/S. S.Royce Emmanuel, Advocate for the Appellant and of M/S. N.Sudhagar Nagaraj, Advocate for the first respondent herein, and having stood over for consideration till this date, while dismissing this Civil Miscellaneous Appeal, this Court doth order and decree as follows:-



Third Additional Subordinate Judge, Tiruchirappalli, made in M.C.O.P.No.2058 of 2009, be and hereby is confirmed and the first respondent/claimant be and hereby is entitled to a sum of Rs.3,88,425/- (Rupees three lakhs eighty eight thousand four hundred and twenty five only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization, and the Civil Miscellaneous Appeal is dismissed.

(2) That the Appellant/Insurance Company be and hereby is directed to deposit a sum of Rs.3,88,425/- (Rupees three lakhs eighty eight thousand four hundred and twenty five only) with 7.5% interest from date of the claim petition till the date of realization with cost and the amount if not deposited earlier, has to be deposited within a period of 8 weeks from the date of receipt of copy of this order.

(3) That on such deposit being made, the claimant be and hereby is permitted to withdraw the award amount with interest after deducting any amount received by them earlier. Excess amount, if any deposited shall be refunded to the appellant/Insurance Company, herein.

(4) That the claimant be and hereby is not entitled for interest for the default period, if there any.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The III Additional Subordinate Judge,
The MOTOR ACCIDENT CLAIMS TRIBUNAL, Tiruchirappalli.

Copy to:

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

+1CC to M/s.N.SUDHAGAR NAGARAJ, Advocate(SR-31271, dated 05/10/2021

+1 CC to M/s.ROYCE EMMANUEL, Advocate(SR-31317 dated 06/10/2021)



WEB COPY

CMA(MD). No.697 of 2014

ORDER DATED: 05/10/2021

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DECREE
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CMA (MD) . No.697 of 2014

Nature of Decree:-Dismissing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal -Third Additional Subordinate Judge Court, Tiruchirappalli, dated 22.11.2012, made in M.C.O.P.No.2058 of 2009,etc, as stated therein.

RD(28.10.2021) 3P 6C