



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Monday, the Ninth day of August Two Thousand Twenty One

PRESENT
The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.137 of 2015

NELSON JAYAKUMAR ... Petitioner/Appellant
Vs

1.DEVASUDAGAR

2.THE NEW INDIA ASSURANCE
COMPANY LTD. REPLY BY ITS BRANCH MANAGER
PILLARS GATE OPPOSITE TO STADIUM BALAMORE
ROAD NAGERCOIL- 1. KANYAKUMARI DT.

3.STEPHEN

4.THE DIRECTOR LPSC,
MAHENDRAGIRI PANAGUDI VILLAGE
TIRUNELVELI DISTRICT. ... Respondent/Respondent

Prayer :- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, against the judgment and decree dated 30.07.2013 passed in M.C.O.P.No.44 of 2006 on the file of the Motor Accidents Claims Tribunal, Sub Court, Kuzhithurai.

Decree: This Civil Miscellaneous Appeal coming up for final hearing on Twenty Eighth July Thousand and Twenty One, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers of the Appeal and upon hearing the arguments of Mr.Puhazal Gandhi, Advocate for the Appellant, and Mr.R.Suresh Kumar, Advocate of R2, Mr.M.Daniel Mahendran, Advocate for R3, Mr.E.T.Rajendran, Advocate for R4, R1 Dismissed on default Vide court order dt.26/06/2018 and having stood over for consideration till this date, this Court doth order and decree as follows:-

(i) that the Judgment and decree dt.30.07.2013 made in M.C.O.P.No.44 of 2006 by the Motor Accidents Claims, Tribunal, Sub Court, Kuzhithurai, is conformed and this Appeal is DISMISSED:

(ii) that the 1st Respondent be and hereby is directed to deposit the entire award amount along with interest at the rate of 7.5% p.a from the date of petition till the date of deposit and cost within a period of eight weeks from the date of receipt of a copy of this judgment, if not already deposited.

(iii) that on such deposit being made, the appellant herein/claimant is permitted to withdraw the entire award amount,
<https://hcservices.mca.courts.mca.in/hcservices/>



after deducting amount, if any, already received by him; and the Claimant is not entitled for interest for the default period, if there is any default; and

(v) that there be no costs in this Civil Miscellaneous Appeal.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
The Motor Accident Claims Tribunal,
Kuzhithurai.

Copy to:

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

+1 CC to M/s.E.T.RAJENDRAN, Advocate, SR.No.25597

+1 CC to M/s.R.SURESHKUMAR, Advocate, SR.No.25583

ORDER DATED : 09/08/2021

=====

DECREE

=====

CMA(MD). No.137 of 2015

Nature of Decree:- Dismissing
the Civil Miscellaneous Appeal
preferred against the Judgment
and Decree of the Sub Judge,
MACT, Kuzhithurai, dated
30.07.2013.

RD(3.09.2021) 2P 6C