



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Friday, the Fifth day of February Two Thousand Twenty One
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI
CMA(MD). No.249 of 2015

The Divisional Manager
United India Insurance Company Limited
Divisional Officer
7A West Veli Street,
Madurai 1

... Appellant/2nd Respondent
Vs

1.K.DHANAM,

2.MINOR.K.RAMACHANDRAN
3.MINOR.K.POOPPANDI,
(Minors 2 & 3 rep by
mother of next friend
K.Dhanam)

4.G.RENGAMMAL
(R4 Dispensed with vide
Court Order dated 13.02.2015)

... Respondents 1 to 4 /Petitioners

5.N.MUTHUKUMAR

... 5th Respondent/1st Respondent

6.THE DISTRICT COLLECTOR,
MADURAI.

... 6th Respondent

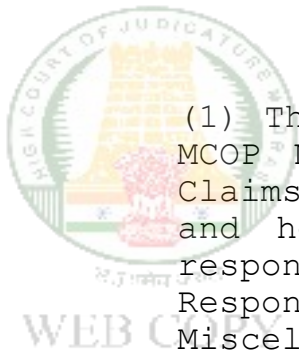
(R-6 SUO MOTU IMPLEADED
Vide Court Order dated 25/02/15
MADE IN CMA.249/2015).

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated the 16.10.2012 made in MCOP No.63 of 2005 on the file of the Motor Accident Claims Tribunal (5th Additional District Judge) Madurai

DECREE:-

This Civil Miscellaneous Appeal having come up for hearing on Thursday, the Seventh day of January, Two Thousand and Twenty Only) 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 CHANDRAKUMAR, Advocate for the Appellant and of MR.J.GUNASEELAN MUTHIAH, ADDL.GOV'T. PLEADER FOR 6TH RESPONDENT, NO APPEARANCE FOR RESPONDENT NOS. 1 TO 3 & 5 and R4 DIED (DISPENSED WITH VIDE COURT ORDER DATED 13.02.2015), having stood over for consideration till this day, and this court,while disposing the Civil Miscellaneous Appeal, doth order and decree as follows:-



(1) That the judgment and decree dated 16.10.2012 made in MCOP No.63 of 2005 on the file of the Motor Accident Claims Tribunal (5th Additional District Judge) Madurai be and here by is modified to the extent that the sixth respondent is liable to pay the compensation instead of 2nd Respondent herein / Insurance Company and the Civil Miscellaneous Appeal is Disposed of;

(2) that the 6th Respondent be and hereby is directed to pay Rs.50,000/- (Rupees Fifty Thousand) to the Claimants together with interest at 7.5% p.a. from the date of petition till realisation under No Fault Liability, within a period of six weeks from the date of receipt of copy of this Order.

(3) that if any amount deposited or paid by the Appellant herein Insurance Company, they are at Liberty to get back the same; and

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The Motor Accident Claims Tribunal
(5th Additional District Judge)
Madurai

2.THE DISTRICT COLLECTOR, MADURAI.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai (+ 2 Copies)

+1 CC to M/s.G.PRABHU RAJADUAI, Advocate (SR-3597 dated 05/02/2021)

+1 CC to M/s.G.PRABHU RAJADUAI, Advocate (SR-3702 dated 08/02/2021)



WEB COPY

CMA(MD). No.249 of 2015

ORDER DATED : 05/02/2021

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DECREE

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CMA(MD) . No.249 of 2015

Nature of Decree:-

Disposing the Civil Miscellaneous Appeal the judgment and decree dated 16.10.2012 made in MCOP No.63 of 2005 on the file of the Motor Accident Claims Tribunal (5th Additional District Judge) Madurai

KB(09.03.2021) 3P 6C