



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A(MD) No.1299 of 2011

and

M.P(MD)No.2 of 2011

Branch Manager,
National Insurance Co. Ltd.,
92, Thevarpuram Road,
Near Court Buildings,
Tuticorin.

.. Appellant/Respondent No.2

vs.

1.Nagarajan
2.Sivakumar
3.Selvaraj

.. Respondent-1/Petitioner
.. Respondent 2/Respondent 1
.. Respondent 3/Respondent 3

4.Branch Manager,
United India Insurance Co. Ltd.,
924-A Main Road, CCC Complex,
Kovilpatti,
Tuticorin District.

..Respondent 4/Respondent 4

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, set aside the award, dated 16.09.2010 and made in M.C.O.P.No.135 of 2009, on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tirunelveli.

For Appellant : M/s.P.Malini
For R1 & R3 : No appearance
For R2 : Dismissed
For R4 : Mr.N.Murugesan

J U D G M E N T

Learned counsel appearing for the fourth respondent submitted that arising out of the very same judgment, claimant Nagarajan has filed an appeal in C.M.A(MD)No.1142 of 2011 and the same was allowed by this Court by enhancing the compensation.

2. In view of the order passed in C.M.A(MD)No.1142 of 2011, dated 24.01.2013 no further order is necessary since in the said order compensation has been enhanced to Rs.3,50,000/-. Therefore,



the sole contention raised by the counsel for the appellant/Insurance Company that there is a calculation error does not arise for consideration.

3. In view of the above, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Chief Judicial Magistrate,
The Motor Accident Claims Tribunal,
Tirunelveli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2C)

+1 CC to M/s.P.MALINI, Advocate (SR-5129[F] dated 09/02/2022)

+1 CC to M/s.N.MURUGESAN, Advocate (SR-5407[F] dated 10/02/2022)

JUDGMENT MADE IN
C.M.A(MD) No.1299 of 2011
08.02.2022

NSN(CO)

GC(15.03.2022) 2P 6C