



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

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.872 of 2012

and

CMA(MD) No.1145 of 2012

CMA(MD) No.872 of 2012

N.JEYAKUMAR,

S/O.NARAYANASAMY NO.142-C MAIN ROAD ,

SETHUR RAJAPALAYAM TALUK.. .. Appellant / 2nd Respondent

.. Vs. ..

1.M.Subramanian S/o.Madasamy Nadar, No.144,
Paradesi Oorani Street, Sethur, Rajapalayam Taluk.

.. 1st Respondent / Petitioner

2.Ramasamy S/o.Perumal, No.814, Desikapuram,
Sozhapuram,

Rajapalayam Taluk

.. 2nd Respondent / 1st Respondent

3. New India Assurance Co Ltd Rajapalayam Town.

.. 3rd Respondent / 3rd Respondent

CMA(MD) No.1145 of 2012

Ramasamy S/o.Perumal

8/4, Desigapuram

Chozhapuram, Rajapalayam Taluk ... Appellant / 1st Respondent

- Vs. -

1. M.Subramanian S/o.Madasamy Thevar
144,Paradeshi Oorani Street
Seithur(Post)
Rajapalayam Taluk

...1st & 2nd Respondent / Claimants

2. Thikai Ammal W/o.Subramanian
144,Paradeshi Oorani Stret
Seithur(Post)
Rajapalayam Taluk

3. N.Jeyakumar S/o.Narayanasamy
141-C Main Road
Seithur Post
Rajapalayam Taluk

4. New India Assurance Company Through its Divisional Manager



402, Tenkasi Road
Rajapalayam

...3rd & 4th Respondents / 2nd & 3rd
Respondent

Common Prayer:-

These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 30.09.2011 made in MCOP No.262 of 2005 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Virudhunagar District at Srivilliputhur.

DECREE:-

These Civil Miscellaneous Appeals having come up for final hearing on Friday the twenty ninth day of October 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.S.SRINIVASA RAGHAVAN, Advocate for the Appellant in CMA(MD) No.872 of 2012 and Advocate for third respondent in CMA(MD) No.1145 of 2012 and of Mr.S.Alagusundar, Advocate for first respondent in CMA(MD)872 of 2012 and for 1st and 2nd respondent in CMA(MD) No.1145 of 2012 and of Mr.M.ASHOK KUMAR, Advocate for Appellant in CMA(MD) No.1145 of 2012 and Advocate for second respondent in CMA(MD) No.872 of 2012 and of Mr.B.VIJAY KARTHIKEYAN, Advocate for the third respondent in CMA(MD) No.872 of 2012 and Advocate for fourth respondent in CMA(MD) No.1145 of 2012, while allowing these Appeals, and having stood over for consideration till this date, this Court doth order and decree as follows:-

(1) That the award dated 30.09.2011 made in MCOP No.262 of 2005 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Virudhunagar District at Srivilliputhur be and is hereby set aside and the CMA(MD) No.872 of 2012 and CMA(MD) No.1145 of 2012 are allowed.

(2) That the claimants in MCOP No.262 of 2005 shall not entitle to any compensation.

(3) That the claim petition is dismissed.

(4) That there be no order as to cost in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar (Cs-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
VIRUDHUNAGAR DISTRICT, SRIVILLIPUTHUR.

Copy to:

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

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate(SR-6089 dated
15/02/2022)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-5646 dated 11/02/2022)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-5637 dated
11/02/2022)

ORDER DATED : 11/02/2022

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DECREE

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CMA(MD) . No.872 of 2012

and

CMA(MD) No.1145 of 2012

Nature of Decree:- Allowing the Civil
Miscellaneous Appeal preferred against the
award of the Motor Accident Claims Tribunal,
Principal District Judge, Virudhunagar at
Srivilliputhur in MCOP No.262 of 2005 dated
30.09.2011 and etc., as stated therein

KB(10.03.2022) 3P 7C