



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Nineteenth day of January Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD)No.1878 of 2013

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM) LIMITED,
AT KARAIKUDI.

... APPELLANT/RESPONDENT

Vs

1.L.RATHEESH
2.SELVARANI
3.ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD.
KRISHNARAYAR TANK ROAD
MADURAI.

... 1ST RESPONDENT/PETITIONER
... 2ND RESPONDENT/2ND RESPONDENT

... 3RD RESPONDENT/3RD RESPONDENT

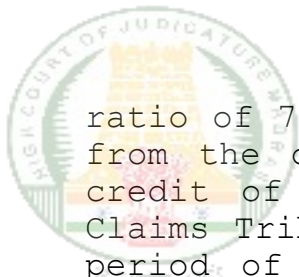
Prayer :- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 21.07.2012 in M.C.O.P.No.516 of 2010 on the file of the Motor Accidents Claims Tribunal, IV Additional Subordinate Court, Madurai.

Decree: This Civil Miscellaneous Appeal coming for final hearing and 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.A.Balaji, Advocate for Mr.D.Sivaraman, Advocate for the Appellant, Mr.M.Jerin Mathew, Advocate for Mr.M.E.Ilango, Advocate for the 3rd Respondent and Mr.M.P.Senthil, Advocate for the 1st Respondent, this Court doth order and decree as follows:-

i)That the award made in M.C.O.P.No.516 of 2010 dated 21.07.2012 by the Motor Accidents Claims Tribunal, IV Additional Subordinate Judge, Madurai, be and is hereby set aside and the Civil Miscellaneous Appeal is Partly Allowed;

ii)That the Appellant/Transport Corporation and the Third respondent/Insurance Company are directed to deposit the sum of Rs.1,69,065/- in the

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ratio of 70:30 together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.516 of 2010 on the file of the Motor Accident Claims Tribunal, IV Additional Subordinate Court, Madurai, within a period of six weeks from the date of receipt of a copy of this order;

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ii) That on such deposit being made, the first Respondent/Claimant is at liberty to withdraw the same after following due process of law; and

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The IV Additional Subordinate Judge,
Madurai.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai(2 copies)

+1 CC to M/s.M.P.SENTHIL, Advocate, SR.No.953

+1 CC to M/s.D.SIVARAMAN, Advocate, SR.No.1782

+1 CC to M/s.M.E.ILANGO, Advocate, SR.No.1787

ORDER DATED : 19/01/2022

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DECREE

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CMA(MD).No.1878 of 2013

Nature of Decree:-Partly Allowing the Civil Miscellaneous Appeal preferred to set aside the Judgment and Decree dated 21.07.2012 passed in MCOP.No.516 of 2010 on the file of the Motor Accident Claims Tribunal, IV Additional Subordinate Judge, Madurai, as stated within.

KS (CO)

TR(04.03.2022) 2P 7C

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