

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Monday, the Eighteenth day of April Two Thousand Twenty Two
PRESENT

The Hon`ble Mr. Justice RMT. TEEKAA RAMAN
CMA(MD) . No.1018 of 2021

Iffco-Tokio General Insurance Company Ltd.,
No.82, Preetham Plaza,
Ground Floor and 1st Floor,
Chandra Kandhi Nagar, Ponmeni,
Bye-pass Road, Madurai-625 016.

... Appellant/2nd Respondent

Vs

1 K.Maideen

2 Sikkander Sabitha Pathima

3 Minor.Samkal Shajetha Banu

(3rd Minor Respondent represented through her father and
guardian the first respondent)

4 K.Maheswaran

... 4th Respondent/1st Respondent

Prayer :-

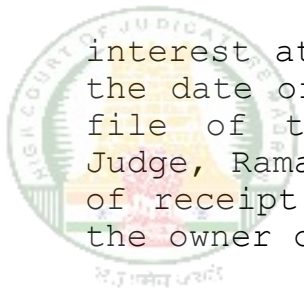
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award of the Tribunal passed in M.C.O.P.No.41 of 2019 dated 09.02.2021 on the file of the Motor Accident Claim Tribunal/Principal District Judge, Ramanathapuram, in so far as liability to pay compensation is concerned on the following and among other.

Decree: This Civil Miscellaneous Appeal coming up for final hearing on Monday, fourth day of April Two Thousand Twenty Two, 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.V.Sakthivel, Advocate for the Appellant, and of Mr.N.Sudhagar Nagaraj, Advocate for 1 to 3 Respondents, for R4 no appearance either in person or by an Advocate and this Court, having stood over for consideration till this date, while modifying the award of the tribunal and Partly Allowing the appeal, this Court doth order and decree as follows:-

i) That, the award of the Tribunal made in M.C.O.P.No.41 of 2019 dated 09.02.2021 on the file of the Motor Accident Claim Tribunal/Principal District Judge, Ramanathapuram, be and hereby confirmed and the Civil Miscellaneous petition is Partly Allowed;

ii) that the appellant/Insurance company be and hereby directed to deposit the compensation as awarded by the Tribunal together with

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interest at the rate 7.5% per annum, from the date of petition till the date of realisation to the credit of MCOP No.41 of 2019, on the file of the Motor Accident Claims Tribunal/ Principal District Judge, Ramanathapuram, with in a period of eight weeks from the date of receipt of a copy of this order and then recover the same from the owner of the vehicle in the manner known to law.

iii)that on such deposit being made by the Appellant/Insurance Company, the claimants be and hereby are permitted to withdraw the same, as apportioned by the Tribunal, after following the due process of law; and

iv)that, there be no costs in this Civil Miscellaneous Appeal .

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Principal District Judge/
Motor Accident Claims Tribunal,
Ramanathapuram

Copy to:

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

+1 CC to M/s.V. SAKTHIVEL, Advocate (SR-19242 dated 19/04/2022)
+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-19289 dated
19/04/2022)

ORDER DATED : 18/04/2022

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DECREE

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CMA(MD). No.1018 of 2021

Partly Allowing the CMA(MD).
No.1018 of 2021 preferred
against award of the Tribunal
passed in M.C.O.P.No.41 of 2019
dated 09.02.2021 on the file of
the Motor Accident Claim
Tribunal/Principal District
Judge, Ramanathapuram, etc. as
stated within.

sp (CO)

TR(09.06.2022) 2P 6C