



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

**Wednesday, the Sixteenth day of February Two Thousand Twenty Two
PRESENT**

**The Hon`ble Mrs.Justice S.ANANTHI
CMA(MD) . No.836 of 2019**

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PERIYAKALIAPPAN ... Appellant/1st Respondent

Vs

1 SUBIRAMANI ... 1st Respondent/Claimant

2 The Branch Manager
New India Assurance Company Ltd.,
Door No.3 Main Road,
Dindigul Town, Dindigul. ... Respondents/2nd Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 10/10/2017 passed in MCOP.301 of 2012 on the file of the Motor Accident Claims Tribunal Subordinate Judge, Veda sandur.,

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Friday Fourth day of February, Two thousands and Twenty Two 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.P.Athimoolapandian Advocate for the Appellant and of, Mr.J.John Advocate for Mr.R.Senthil Kumar Advocate for the First Respondent, and of Mr.I.Robert Chandra Kumar Advocate for the Second Respondent, and this court while allowing this appeal and doth order and decree as follows:-

(1) That, the award of the Motor Accident Claims Tribunal / Subordinate Judge, Veda sandur dated 10/10/2017 passed in MCOP.301 of 2012 be and hereby is set aside.

(2) that, the appellant herein/is entitled to withdraw the excess amount, if any and

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



TO

The Subordinate Judge,
The Motor Accident Claims Tribunal
Vedasandur

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Copy to:

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

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6912 /2022)

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-7233 /2022)

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-6422 /2022)

ORDER DATED : 16/02/2022
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DECREE
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CMA(MD). No.836 of 2019

Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against the
judgment and decree
dated 10/10/2017 passed in
MCOP NO.301/2012
on the file of the Motor
Accident Claims Tribunal
Subordinate Judge, Vedasandur
etc. as stated within

RD(10.03.2022) 2P 7C