



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(CIVIL APPELLATE JURISDICTION)

FRIDAY, THE FIRST DAY OF APRIL TWO THOUSAND TWENTY TWO

PRESENT

THE HON`BLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA(MD) . NO.238 OF 2017

THE BRANCH MANAGER
NATIONAL INSURANCE CO LTD.,
92, DEVARPURAM ROAD,
NEAR COURT BUILDINGS,
TUTICORIN.

... Appellant/3rd respondent in Both CMAs

Vs

1. Ramar ...1st Respondent/Petitioner
2. Sankar Guru ...2nd Respondent/1st Respondent
3. Proprietor of M/s.Aruna Fish Trading Company,
184D/6, Therespuram,
Tuticorin District. .. 3rd Respondent/2nd Respondent
4. Selvi
5. Pappa
6. Seethalakshmi
7. Velu
8. The Branch Manager,
United India Ins.Co.Ltd.,
84/28, First St, Ambasamuthiram,
Tirunelveli District .

....4 to 8 Respondents/4 to 8 Respondents

Prayer :-

This Civil Miscellaneous petition filed under section 173 of Motor Vehicle Act, 1988, praying this Court to set aside the award of the Tribunal made in MCOP No.125 of 2011, dated 11.12.2015, on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Tenkasi.



Decree :-

This Civil Miscellaneous Appeal coming on this day and upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers of the case and upon hearing the arguments of Mr.A.Ilango, Advocate, for the Appellant and Mr.D.Balamuruga pandi, Advocate for 8th Respondent, for Respondents 1 to 7 no appearance either in person or by an Advocate and this court, doth order and Decree as follows:-

i)That the award of the Tribunal, made in MCOP No. 125 of 2011, dated 11.12.2015, on the file of the Motor Accident Claims Tribunal /Principal Sub Judge,Tenkasi, be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

ii)that the Appellant herein/National Insurance Company be and hereby is directed to deposit the entire compensation awarded by the Tribunal i.e, Rs.2,74,000/- in MCOP No. 125 of 2011, (if not already deposited) 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.125 of 2011, on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Tenkasi, with in a period of twelve weeks from the date of receipt of a copy of this order;

iii)On such deposit being made by the present Appellant, the Claimant in MCOP No. 125 of 2011, be and hereby permitted to withdraw the entire amount after following the due process of law;

iv)That there be no order as to cost.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Principal Sub Judge/
Motor Accident Claims Tribunal, Tenkasi.

COPY TO:-

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

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.A.ILANGO, Advocate (SR-16251 dated 04/04/2022)

+1 CC to M/s.D.Bala Murugapandi, Advocate (SR-16566
dated 05/04/2022)

WEB COPY

ORDER DATED : 01/04/2022

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DECREE

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CMA(MD). No.238 of 2017

Dismissing the CMA(MD). No.238 of 2017 preferred against award passed by the Tribunal made in MCOP No.125 of 2011, Dt.11.12.2015 on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Tenkasi. Etc., as stated within.

sp (CO)
GC (07.06.2022) 3P 6C