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C.M.A.No.518 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.518 of 2023

and

C.M.P.No.4532 of 2023

New India Assurance Company Ltd.,
V.R.V.Complex, 1st Floor, Bhavani Main Road,
Perundurai (Po), Erode District.

...Appellant

Vs.

1.Meenatchi

2.Minor Akilesh

3.H.Ganesan

4.Rajalakshmi

5.KrishanuSasmal

6.M/s.Car Chassis Carriers,
Office at 18, MuktaramBabu Street,
Chandamari, Nagaland, Kohima – 797 001.

7.Bharti AXA General Insurance Company Limited,
No.49, Sakaram Ganesh DauskarSarani,
Kolkata – 700 025, West Bengal.



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8.Raja Pandian

9.R.Selvaraj

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree passed in MCOP.No.420 of 2019 dated 14.10.2019 on the file of the learned (Special District Judge) The Motor Accident Claims Tribunal, Erode District.

For Appellant : Mr.J.Chandran

For Respondents : Mr.Kaithamalai Kumaran for R1 to R4

J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in this appeal is to the award of the Motor Accident Claims Tribunal, Erode made in MCOP.No.420 of 2019.

2. The Insurance Company is aggrieved by the apportionment of negligence equally between the vehicle insured with the appellant and the vehicle insured with the 7th respondent.

3. The learned counsel for the respondents would bring to our



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notice that in respect of the very same accident, another original petition was filed in MCOP.No.550 of 2013 on the file of the Special District Judge, Motor Accident Claims Tribunal, Erode, in which also the negligence was apportioned equally between the two vehicles and we have dismissed the appeal filed by the appellant/ Insurance Company itself in CMA.No.4049 of 2019 on 10.02.2023, affirming the apportionment of the negligence between the two vehicles.

4. Hence, we see no reason to entertain this appeal. Accordingly, this civil miscellaneous appeal is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.G.T.,J.)
02.03.2023

dsa

Index	:No
Internet	:Yes
Neutral citation	:No
Speaking order	



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WEB COPY To:-

The Special District Judge,
Motor Accident Claims Tribunal,
Erode District.



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R.SUBRAMANIAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

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