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C.M.A.No.3553 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

C.M.A.No.3553 of 2010

and

M.P.No.1 of 2010

Branch Manager,
Oriental Insurance Company Ltd.,
25-C, Arunagiri Complex, 3rd Floor,
Byepass Road, Hosur.

... Appellant / II Respondent

Vs.

1.Dhanalakshmi
2.Pawnraj
3.J.Shoban Babu

... Respondents / Petitioner and
Respondents 1 & 2

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the common award and decree dated 29.10.2008 passed in M.C.O.P.No.716 of 2002 on the file of the Motor Accident Claims Tribunal/Additional Special Court, Krishnagiri.

For Appellant : Mr.S.Sivakumar

For Respondents : Mr.Mukund R. Pandian [R1]
Not Ready in Notice [R2]
No appearance [R3]



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JUDGEMENT

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The Civil Miscellaneous Appeal filed to set aside the common award and decree passed in M.C.O.P.No.716 of 2002 on the file of the Motor Accident Claims Tribunal/Additional Special Court, Krishnagiri, dated 29.10.2008.

2. When the matter is taken up for hearing today, the learned counsel appearing for the appellant submitted that the injured persons have filed two claim petitions in M.C.O.P.Nos.716 of 2002 and 1625 of 2003 before the Motor Accident Claims Tribunal/ Additional Special Court, Krishnagiri, in which a common award has been passed on 29.10.2008. Aggrieved by the same, the appellant/Insurance Company had filed two civil miscellaneous appeals, viz., C.M.A.No.3553 of 2010 challenging the common award passed in M.C.O.P.No.716 of 2002 and C.M.A.No.3554 of 2010 challenging the common award passed in M.C.O.P.No.1625 of 2003. On 31.01.2013, this Court had dismissed C.M.A.No.3554 of 2010. Hence, he submitted that this civil miscellaneous appeal may also be dismissed in view of the dismissal of C.M.A.No.3554 of 2010, since both the appeals arise out of a single accident.



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3. In view of the above submissions made by the learned counsel appearing for the appellant/Insurance Company, this Civil Miscellaneous Appeal is dismissed. The appellant/Insurance Company is directed to deposit the entire award amount, with proportionate accrued interest from the date of claim petition till the date of deposit and costs, less, the amount, if any already deposited, to the credit of M.C.O.P.No.716 of 2002 on the file of the Motor Accidents Claims Tribunal (Additional Special Court, Krishnagiri) within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same, less, the amount, if any already withdrawn. No costs. Consequently, the connected miscellaneous petition is closed.

11.10.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1.The Motor Accidents Claims Tribunal, Additional Special Court, Krishnagiri.

2.The Section Officer, V.R.Section, High Court, Madras.



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M.DHANDAPANI, J.,

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