



C.M.A(MD)No.1286 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A(MD)No.1286 of 2011
and MP(MD)No.1 of 2011

The Divisional Manager,
The United India Insurance Company Ltd.,
Cantonment, Trichy – I.

... Appellant/2nd respondent

Vs

1. K.Kumararaj

... 1st Respondent/Petitioner

2. S.Duraiaraj

...2nd Respondent/1st Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, praying this Court to set-aside the decree and Judgment, dated 20.04.2011 passed in M.C.O.P No. 615 of 2005 on the file of Motor Accidents Claims Tribunal (I Additional Subordinate Court), Trichy, by allowing this appeal.

For Appellant : Mr.N.Robert Chandrakumar
for Mr.G.Prabhu Rajadurai

For Respondents : No Appearance (R1)
Mr.Dilipan Karthick (R2)



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ORDER

This Civil Miscellaneous Appeal has been filed to set-aside the decree and Judgment, 20.04.2011 passed in M.C.O.P No. 615 of 2005 by the learned I Additional Subordinate Judge/Motor Accidents Claims Tribunal, Trichy.

2.On perusal of the records, it is seen that a total sum of Rs. 1,38,500/- has been awarded by the learned I Additional Subordinate Judge/Motor Accidents Claims Tribunal, Trichy in M.C.O.P.No.615 of 2005 and the same was passed as early as on 20.04.2011. From the payment of fine amount by the first respondent and copy of Judgment, which was marked as Ex.P.4 would reveal the fact that the accident had occurred only due to the negligence of the first respondent. More over, the award passed by the Tribunal seems to be reasonable one.

3.In view of the same, this Civil Miscellaneous Appeal stands dismissed and the award passed in M.C.O.P.No.615 of 2005 by the learned I Additional Subordinate Judge/Motor Accidents Claims Tribunal, Trichy is



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confirmed. Since the appellant has already paid 50% of the award amount, the balance award amount shall be paid within a period of six weeks, from the date of receipt of copy of this order. Thereafter, the claimant is permitted to withdraw the award amount. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

06.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

- 1.The Motor Accidents Claims Tribunal
(I Additional Subordinate Court), Trichy
- 2.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
C.M.A(MD)No.1286 of 2011
and MP(MD)No.1 of 2011**

06.10.2023