



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



Thursday, the Second day of February Two Thousand and Twenty
Three

PRESENT

WEB COPY

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1671 of 2013

THE ORIENTAL INSURANCE CO.LTD.,
REP.BY ITS DIVISIONAL MANAGER,
LAYOLA BUILDING, (1ST FLOOR), SALAI ROAD,
DINDIGUL DISTRICT.

... Appellant/2nd Respondent

Vs

1. C.THANGAMALAI

...1st Respondent/Petitioner

2 PAULMURUGAN,
(R2 REMAINED EX-PARTE
BEFORE THE LOWER COURT)

...2nd Respondent/1st Respondent

Prayer :-

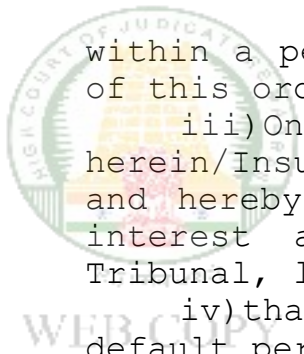
This Civil Miscellaneous petition filed under section 173 of Motor Vehicle Act.,1988,against the decree and judgment passed in MCOP No.28/2011, dated 28/11/2012, on the file of the Motor Vehicle Accidents Claims Tribunal cum Sub Judge, Theni.

Decree:-

This Civil Miscellaneous Appeal came up for hearing on Wednesday, the Twenty first day of December, Two Thousand and Twenty Two, upon perusing the grounds of Appeal, the Award of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.E.Chandrasekaran, Advocate for the Appellant Mr.S.Baghavan, Advocate for R1 and Mr.S.Sukumar, Advocate for R2 This court having stood over for consideration till this date and doth order and decree as follows:-

i)that the award (i.e. Rs.1,41,000/-) of the Motor Accident Claims Tribunal made in MCOP No.28 of 2011 dated 28/11/2012, on the file of the Sub Judge,Motor Accident Claims Tribunal, Theni, be and is hereby confirmed, the Civil Miscellaneous Appeal is Dismissed;

ii)that the Appellant herein/Insurance Company, be and hereby is directed to deposit the entire compensation,(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 and with costs,



within a period of eight weeks from the date of receipt of this order;

iii) On such deposit being made by the appellant herein/Insurance Company, the first respondent herein/Claimant be and hereby is permitted to withdraw the entire award amount with interest and costs, on filing of proper petition before the Tribunal, less any amount, if already withdrawn by him;

iv) that the Claimant is not entitled for interest for the default period, if there is any; and

v) that there be no costs in the Civil Miscellaneous Appeal

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

LS

TO

The Subordinate Judge cum

Motor Vehicle Accidents Claims Tribunal,

Theni.

Copy to:

The Record Keeper,

V.R. Section,

Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.E.CHANDRASEKARAN, Advocate (SR-5591 dated 02/02/2023)

RDER DATED : 02/02/2023

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DECREE

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CMA(MD). No.1671 of 2013

Dismissing the CMA(MD). No.1671 of 2013, preferred against judgment and decree passed in MCOP No.228/2011, dated 28/11/2012, on the file of the Motor Vehicle Accidents Claims Tribunal cum Sub Judge, Theni. etc. as stated within.

SI(01.03.2023) 2P/ 5C