



C.M.P.(MD) No.11818 of 2023

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

Tuesday, the Twelfth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

C.M.P.(MD) No.11818 of 2023

in

C.M.A.(MD) No.839 of 2023

IFFCO -TOKIO GENERAL INSURANCE COMPANY LIMITED,,
THROUGH ITS BRANCH MANAGER,
NO.75, 3RD FLOOR, THIRUPURA ARCADE,
THIRUVANDRAM HIGH ROAD,
PALAYAMKOTTAI,
TIRUNELVELI.

... PETITIONER/ APPELLANT

Vs

1 KALEESWARI

2 PRADAPCHANDRAN

3 MURUGAN,

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of stay the operation of the judgment and decree dated 11th October, 2022 passed in MCOP No.374 of 2020 on the file of the Motor Accident Claims Tribunal, Tenkasi/ Additional District Judge(FTC), Tenkasi and thus render justice.



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Prayer in CMA(MD). 839/ 2023 :

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Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the judgment and decree dated 11th October, 2022 passed in MCOP No.374 of 2020 on the file of the Motor Accident Claims Tribunal, Tenkasi/Additional District Judge(FTC), Tenkasi by allowing this appeal and thus render justice.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.SAKTHIVEL, Advocate for the petitioner and of MR.L.SIVA, on behalf of the Respondents 1 & 2, while admitting the Civil Miscellaneous Appeal, the court made the following order:-

Interim stay of operation of the impugned Judgment and Decree dated 11.10.2022 passed in M.C.O.P.No.374 of 2020 on the file of the Motor Accident Claims Tribunal, Tenkasi/Additional District Judge (FTC), Tenkasi, is granted on condition that the appellant Insurance Company shall deposit the admitted liability of Rs.8,70,400/- together with proportionate interest and cost, within a period of 6 weeks from the date of receipt of a copy of this order, failing which, the interim stay granted shall stand automatically vacated without further reference to this Court.

<https://www.mhc.tn.gov.in/judis>



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2. On such deposit being made, the first and second respondents/claimants are permitted to withdraw a sum of Rs.10,00,000/- (Rs.5,00,000/- each) with proportionate interest and cost by filing appropriate application before the Tribunal.

sd/-
12/09/2023

/ TRUE COPY /

14/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
TENKASI/ ADDITIONAL DISTRICT JUDGE(FTC),
TENKASI

ORDER
IN
C.M.P.(MD) No.11818 of 2023
in
C.M.A.(MD) No.839 of 2023
Date :12/09/2023

RK (14/09/2023) 3P /2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023