



C.M.A(MD)No.81 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A(MD)No.81 of 2020

M/s.United India Insurance Co., Ltd.,
Rep. By its Divisional Manager,
Divisional Office, PPK Building, 1st Floor,
Main Road, Marthandam,
Marthandam Post,
Kanyakumari District – 625 165.

... Appellant/3rd respondent

Vs

1. Murugan

... 1st Respondent /1st Petitioner

2. Sundar Singh

... 2nd Respondent /1st Respondent

3. The Correspondent,
Jannet Matriculation School,
Puthukadai, Puthukadai Post,
Painkulam Village,Vilavancode Taluk,
Kanyakumari District.

... 3rd Respondent /2nd Respondent



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Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, praying this Court to set-aside the decree and Judgment, dated 07.01.2019 made in M.C.O.P No. 8 of 2015 on the file of Subordinate Judge, Kuzhithurai, Kanyakumari District.

For Appellant : Mr.A.Ilango

For Respondents : Mr.F.Deepak (R1)
No Appearance (R2 & R3)

ORDER

This Civil Miscellaneous Appeal has been filed to set-aside the decree and Judgment, dated 07.01.2019 passed in M.C.O.P No. 8 of 2015 by the learned Subordinate Judge, Kuzhithurai, Kanyakumari District.

2.On perusal of records, it is seen that the first respondent has filed two claim petitions, for the single accident, which was happened on 28.9.2013. M.C.O.P.No.1122 of 2013 has been filed before the Special Subordinate Court, Tirunelveli and M.C.O.P.No.8 of 2015 has been filed before the Subordinate Court, Kuzhithurai. In M.C.O.P.No.1122 of 2013, the learned Special Subordinate Judge, Tirunelveli has awarded a compensation of Rs.2,79,500/- with 9% interest and in M.C.O.P.No.8 of 2015, a compensation of Rs. 1,47,500/- with 9% interest has been awarded by the learned Subordinate Judge, Kuzhithurai.



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3.The appellant has also deposited the highest award amount of Rs.2,79,500/-, which was awarded in M.C.O.P.No.1122 of 2013 by the learned Special Subordinate Judge, Tirunelveli along with interest on 06.03.2015.

4.In view of the above, the award passed in M.C.O.P.No.8 of 2015 by the learned Subordinate Judge, Kuzhithurai is struck off and the award passed in M.C.O.P.No.1122 of 2013 by the learned Special Subordinate Judge, Tirunelveli is confirmed. It is made clear that the award amount along with interest in M.C.O.P.No.1122 of 2013 on the file of Special Subordinate Court, Tirunelveli has already been deposited by the appellant.

5.Accordingly, this Civil Miscellaneous Appeal stands closed.
There is no order as to costs.

05.10.2023

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



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- 1.The Special Subordinate Judge, Tirunelveli
- 2.The Subordinate Judge, Kuzhithurai
- 3.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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