



C.M.A(MD)No.944 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01.08.2024

CORAM

THE HONOURABLE MRS.JUSTICE G. ILANGO VAN

C.M.A(MD)No.944 of 2024

and

C.M.P(MD)No.9974 of 2024

Branch Manager,
United India Insurance Company Limited,
Robin Complex, 2nd Floor,
Nagercoil Road,
Monday Market - 629 802.

... Appellant / 2nd Respondent

Vs

Rajammal (Died)

1.Minor.Indhuja

(Minor 1st respondent represented by her
Grandmother and next friend Mangalam)

... 1st respondent / 2nd Petitioner

2.Saraswathi

... 2nd respondent / 3rd Petitioner

3.Aruljagan

... 3rd respondent / 1st Respondent



C.M.A(MD)No.944 of 2024

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PRAYER :-

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act to set aside the judgment and decree dated 28.02.2023 passed in M.C.O.P.No.236 of 2014 on the file of Motor Accidents Claims Tribunal and Sub Court, Valliyur.

For Appellants : Mr.I.Suthakaran

JUDGMENT

This Civil Miscellaneous Appeal is filed to set aside the judgment and decree dated 28.02.2023 passed in M.C.O.P.No.236 of 2014 on the file of Motor Accidents Claims Tribunal and Sub Court, Valliyur.

2. Learned counsel for the appellant would submit that M.C.O.P.No. 1668 of 2018 was filed by one Saraswathi, the mother of the deceased and the daughter of the deceased namely minor.Indhuja, before the Motor Accident Claims Tribunal, Tirunelveli. It was ordered and an award dated 23.09.2021 was passed. Pending that matter, Rajammal, the wife of the deceased and minor Indhuja along with Saraswathi have filed the present petition in



C.M.A(MD)No.944 of 2024

M.C.O.P.No.236 of 2014 before the Motor Accident Claims Tribunal / Sub Court, Valliyoor and that has been ordered. Against which this Civil Miscellaneous Appeal has been preferred.

3. It is further submitted that in compliance of the award dated 23.09.2021, passed in M.C.O.P.No.1668 of 2018, the entire amount was deposited before the Tribunal and the same was withdrawn by the claimants on 25.11.2021. There was no appeal against the said award. That was not brought to the notice of the learned Subordinate Judge, Vallioor, while passing the present award in M.C.O.P.No.236 of 2014. So notice to the respondent are dispensed.

4. In view of the double claim, the award dated 28.02.2023 passed in M.C.O.P.No.236 of 2014 by the Motor Accidents Claims Tribunal / Subordinate Judge, Valliyur, is liable to be set aside and the same is set aside.

5. Accordingly, this Civil Miscellaneous Appeal stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.



C.M.A(MD)No.944 of 2024

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01.08.2024

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

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To

- 1.The Motor Accidents Claims Tribunal and Sub Court, Valliyur.
- 2.The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

G. ILANGO VAN, J

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C.M.A(MD)No.944 of 2024

C.M.A(MD)No.944 of 2024
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