



C.M.A.(MD) No.499 of 2024

WEB COPY

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

Monday, the Tenth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mrs.Justice L.VICTORIA GOWRI

C.M.A.(MD) No.499 of 2024
and
C.M.P.(MD) No.6682 of 2024

THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LIMITED.
BRANCH OFFICE, DOOR NO.63, RAJI PLAZA,
2ND FLOOR, WEST PRATHAKSINAM ROAD,
KARUR - 639 002.

... APPELLANT/2nd RESPONDENT

Vs

1 VISALATCHI

2 MINOR.SIVANI

3 MINOR.RISHI VARDAN

4 THANALAKSHMI

5 RENGANATHAN

... RESPONDENTS 1 TO 5/PEITIONERS

(MINORS R2 AND R3 ARE REPRESENTED BY
THEIR MOTHER AND NATURAL GUARDIAN,
THE 1st RESPONDENT VISALATCHI)

6 KRISHNAVENI

... 6th RESPONDENT/1st RESPONDENT



C.M.A.(MD) No.499 of 2024

Civil Miscellaneous Appeal filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the Award in M.C.O.P.No.1625 of 2019 dated 05-09-2023 on the file of the Motor Accidents Claims Tribunal 3rd Additional District Court, Tirunelveli and allow the appeal with costs and thus render justice.

Prayer in CMP(MD). 6682/ 2024 :

To grant interim stay of all further proceedings pursuant to the Award dated 05-09-2023 made in M.C.O.P.No.1625 of 2019 on the file of the Motor Accidents Claims Tribunal, 3rd Additional District Court, Tirunelveli pending disposal of the appeal.

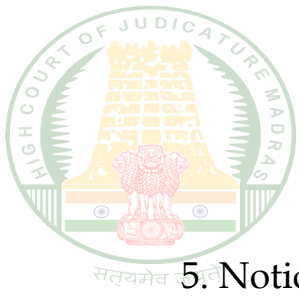
ORDER : This Civil Miscellaneous Appeal coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.S.MURALI, Advocate for the Appellant, the court made the following order:-

It is a fatal accident, wherein the Tribunal has fastened 50% contributory negligence on the victim of the accident. The appeal indeed is against the remaining 50% and the same is filed by the Insurance Company of the other vehicle involved in the accident.

2. Heard Mr.J.S.Murali, learned counsel for the appellant.

3. There shall be an order of interim stay on condition that the appellant deposits 50% of the liability attributable to the claimants (25% of the death compensation) on or before 08.08.2024.

4. Notice to the respondents returnable by 08.08.2024. Private notice is also permitted.



C.M.A.(MD) No.499 of 2024

5. Notice is also directed to the counsel for the claimants before the Tribunal.

WEB COPY

6. Post the matter on 08.08.2024.

sd/-
10/06/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ABR
TO
THE 3rd ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TIRUNELVELI.

+2. C.C. to Mr.J.S.MURALI Advocate SR.No.6305 (I) DT.11/06/2024

ORDER
IN
C.M.A.(MD) No.499 of 2024
and
C.M.P.(MD) No.6682 of 2024
Date :10/06/2024

SA/VR/SAR. /13.06.2024/3P/4C

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