



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



Monday, the Thirtieth day of January Two Thousand and Twenty
Three

PRESENT

WEB COPY

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.1549 of 2011

M/S.NATIONAL INSURANCE CO.LTD.,
THROUGH ITS BRANCH MANAGER, 11, JEROME
BUILDING 1ST FLOOR, KOTAI STATION ROAD,
TRICHY.

...Appellant/2nd Respondent

Vs

1. F.JUMBO FERNANDEZ

..Respondent No.1/Petitioner

2 M.RAMACHANDRAN

... 2nd Respondent/1st Respondent

Prayer :-

This Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act 1988, to allow this appeal and set aside the Judgment and decree dated 18.04.2011 made in M.C.O.P.No.211 of 2008 on the file of the II Additional Sub Court/MACT, Trichy.

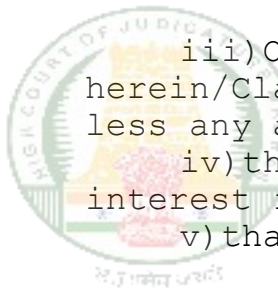
Decree:-

This Civil Miscellaneous Appeal came up for hearing on Thursday, the Eleventh day of August 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 Mrs.P.Malini, Advocate for the Appellant Mr.N.Sudhagar Nagaraj for R1 and for the 2nd Respondent no appear either in person or by an Advocate, and having stood over for consideration till this date. while allowing the appeal in part and orders passed by the tribunal below doth order and decree as follows:-

i)that the claimant/ 1st Respondent be and is hereby entitled to Rs.66,660/- (Rupees Sixty Six Lakhs Six Hundred and Sixty Only);

ii)that the Appellant herein/Insurance Company, be and hereby is directed to deposit the entire compensation amount of Rs.66,660/--(Rupees Sixty Six Thousand and Six Hundred and Sixty only)(if not already 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, to the credit of MCOP.No.211 of 2008 on the file of the MACT/Sub Court, Trichy within a period of eight weeks from the date of receipt of a copy of this order;

iii)that the appellant herein/Insurance Company be and hereby is directed to pay compensation to the Claimant and recover the same from the Owner of the vehicle;



iii) On such deposit being made the first respondent at
herein/Claimant be and hereby is at liberty to withdraw the
less any amount, if already received by him;
iv) that the Respondent herein/Claimant is not entitled for
interest for the default period, if there is any;
v) that there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(C.O)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

KSA

To

1. The II Additional Sub Judge,
MACT,
Trichy.

2. The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.P.MALINI, Advocate (SR-4469[F] dated 30/01/2023)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-4743[F] dated
31/01/2023)

ORDER DATED: 30/01/2023

=====

DECREE

=====

CMA(MD). No.1549 of 2011

Modifying the CMA(MD). No.1549 of 2011,
preferred against judgment and decree
dated 18.04.2011 made in M.C.O.P.No.211
of 2008 on the file of the II
Additional Sub Court/MACT, Trichy. etc.
as stated within.

SI (22.02.2023) 2P/ 6C