



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Thursday, the Twenty fourth day of November
Two thousand and Sixteen
PRESENT

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.29 of 2015

The Branch Manager,
United India Insurance Company Limited,
78, Kamarajar Salai, Cauvery Nagar,
Kulithalai.

... Appellant/2nd Respondent

vs.

1) M. Ramasamy
2) R. Kandasamy
(R2 ex parte in Tribunal)

... 1st Respondent/Petitioner
... 2nd Respondent/1st Respondent

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Order of the Motor Accident claims Tribunal (Principal Sub Judge) Karur dated 27.02.2014 made in MCOP.No.201 of 2012.

ORDER: This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers available in the Appeal and upon hearing the arguments of Mr. J.S. Murali, Advocate for the Appellant and of Mr. N. Sudhagar Nagaraj, Advocate for the First Respondent and the Second Respondent not appearing either in person or by an Advocate and observing that the Appellant/Insurance company and the 1st respondent/claimant has withdraw 50% of the award amount with proportionate interest has already deposited entire Award amount that while this Court allowing the Appeal in part, doth order and decree as follows:-

(i) that the Award amount of Rs.12,39,400/= (Rupees Twelve Lakhs Thirty Nine Thousand and Four Hundred only) by order dated 27.02.2014 made in MCOP.No.201 OF 2012 On the file of the Motor Accident claims Tribunal (Principal Subordinate Judge), Karur be and hereby is reduced to Rs.11,89,400/- (Rupees Eleven lakhs Nine Thousand and Four Hundred only) and in all other respect the award of the Tribunal concerned is



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(ii) that the First Respondent/claimant be and hereby is permitted to withdraw the modified award amount with propornate interest and costs, less the amount already withdrawn, through RTGS, by filling necessary application before the Tribunal concerned;

(iii) that the Appellant/Insurance company be and hereby is permitted to withdraw the excess Award amount deposited; and

(iv) that there be no costs in the present Appeal.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Principal Sub Judge,
Motor Accident Claims Tribunal,
Karur.

Copy to:

The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.J.S.Murali, Advocate, Sr.No.73051

+1 cc to Mr.N.Sudhagar Nagaraj, Advocate, Sr.No.73089

ORDER DATED:24.11.2016

DECREE

CMA (MD) No.29 of 2015

Nature of the **DECREE:** -
Allowing the Appeal in part preferred against the Award dated 27.02.2014 in MCOP.No.201/12 On the Motor Accidents claims Tribunal (Principal Sub Judge), Karur.

sj