



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

Thursday, the Seventeenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMA(MD) No.1808 of 2013

National Insurance Company Ltd.,
Rep. by its Branch Manager,
Nagercoil,
Agastheeswaran Taluk,
Kanyakumari Disitric.

... Appellant/Respondent No.3

Vs.

1.C.Mani

..Respondent No.1/Petitioner

2.T.Raju

..Respondent No.2/Respondent No.1

3.T.Thatheus Alfred Paul

..Respondent No.3/Respondent No.2

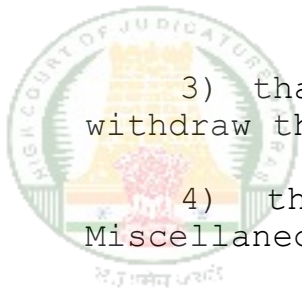
This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award dated 19.04.2011 made in M.C.O.P.No.131 of 2006 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Padmanabapuram.

DECREE : This Appeal coming on for hearing on this day.

Upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.N.Murugesan, Advocate for the Appellant and Mr.K.P.Narayanakumar, Advocate for the first Respondent, and the 2nd and 3rd respondents neither appeared in person nor by an Advocate, this Court while allowing this Appeal in part, doth order and decree as follows :

1. that the Judgment and decree dated 19.04.2011 in M.C.O.P.No.131 of 2006 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Padmanabapuram be and hereby is confirmed by modifying the compensation amount from a sum of Rs.2,44,616/- (Rupees two lakhs forty four thousand six hundred and sixteen only) to Rs.2,22,616/- (Rupees two lakhs twenty Two thousand six hundred and sixteen only);

2) that as the learned Counsel for the appellant represented that the entire award amount had already been deposited and since the respondent/claimant is already withdrawn 50% of the award amount the respondent/claimant be and hereby do permit to withdraw the balance modified award amount with accrued interest and costs through RRs by filing necessary application before the Tribunal concerned.



3) that the Insurance Company be and hereby is permitted to withdraw the remaining award amount from the Tribunal.

4) that there be no order as to costs in this Civil Miscellaneous Appeal.

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/ TRUE COPY /

sd/-
Assistant Registrar (CS-II)

Sub-Assistant Registrar (C.S.)

TO
To
The Motor Accident Claims Tribunal,
(Subordinate Judge),
Padmanabapuram.

Copy To : The Section officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.N.Murugesan, Advocate Sr.No.69690
+1CC to Mr.P.Narayana Kumar, Advocate Sr.No.70364

GJM/PV/19.12.16-2p-5c

DECREE
IN
CMA(MD) No.1808 of 2013
Date :17/11/2016

Partly allowing the Civil Miscellaneous Appeal preferred against the award dated 19.04.2011 made in M.C.O.P.No.131 of 2006 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge, Padmanabapuram, etc., as stated within.