

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Monday, the Twenty third day of October, Two thousand and Seventeen
PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CMA(MD)No.899 of 2014

The Manager,
New India Assurance Company Limited,
Rekha Towers, 2nd Floor,
248B, Kamarajar Road,
Madurai.

: Appellant/2nd Respondent

Vs.

1.Karuppaiah : 1st respondent/Petitioner
2.Syed Abdul Khadar : 2nd Respondent/1st Respondent

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act 1988, preferred against the award passed by the Subordinate Judge, Uthamapalayam, dated 11.04.2014 made in MCOP.No.97/2011.

DECREE: This Appeal is coming for hearing on this day, upon perusing the grounds of Appeal, award of the Tribunal below and the material papers of the Appeal and upon hearing the arguments of Mr.D.Malaichamy, Advocate for the Appellant and of Mr.G.Vanjinathan, Advocate for the 1st Respondent, this Court while allowing the Appeal in part and in modification of the award of the tribunal below doth order and decree as follows:

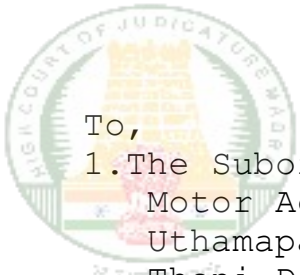
(i)That, the award passed by the subordinate Judge, Motor Accident claims Tribunal, Uthamapalayam, dated 11.04.2014 made in MCOP.No.97/2011 be and hereby is reduced to a sum of Rs.9,47,659/- (Rupees Nine Lakhs forty seven thousand six hundred and fifty nine only); as against Rs.13,26,700/-.

(ii)That, the claimant be and hereby is permitted to withdraw the modified award, less already withdrawn;

(iii)That, the Appellant herein/Insurance company be and hereby is entitled to get back the excess amount, if any and

(iv)That, there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(RTI)



To,
1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Uthamapalayam,
Theni District.

Copy to:
The Section officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.G.VANJINATHAN, Advocate, SR.83435
+1cc to Mr.D.MALAICHAMY, Advocate, SR.83216

DATED:23.10.2017

DECREE

CMA(MD)No.899 of 2014
Allowing the Appeal in part
preferred against the award
passed by the Subordinate
Judge, Uthamapalayam, dated
11.04.2014 made in
MCOP.No.97/2011 and etc as
stated within.

ER
KK/MR/SAR 1/24.01.2018/ 2P- 5C/