



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twelfth day of January Two thousand and Seventeen

PRESENT

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.(MD)No.829 of 2016

National Insurance Company Ltd.,
through its
Branch Manager,
331/1, Chekalai Road,
Karaikudi Town,
Sivagangai District.

... Appellant/2nd Respondent

Vs.

1.M.Padma
2.S.Mathivanan

... Respondents 1 & 2/Petitioners

3.S.Saravanan

... 3rd Respondent/ 1st Respondent

PRAYER: Appeal against the order and decree of the Motor Accident Claims Tribunal - cum - Subordinate Judge, Devakottai, dated 17.11.2015, made in M.C.O.P.No.10 of 2011.

DECREE: This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, material records of the case and upon hearing the arguments of Mr.N.S.Ramakrishna Dass, Advocate for the Appellant and of Mr.T.Selvakumaran, Advocate for the respondents 1 & 2, this Court, while disposing the Appeal doth order and decree as follows:-

(i)that the respondents 1 & 2/Claimants be and hereby are entitled to a sum of Rs.9,05,000/- (Rupees nine lakhs and Five Thousand only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs;

(ii)that the award amount of Rs.9,05,000/- (Rupees nine lakhs and Five Thousand only) shall be apportioned equally by the respondents 1 & 2 herein/Claimants along with accrued interest and costs;

(iii)that the appellant Insurance Company herein/2nd respondent be and hereby is directed to transfer the entire award amount along with accrued interest and costs, to the respective personal savings Account Numbers of the respondents 1 & 2/Claimants, as per the apportionment made by this Court, less the amount already deposited, if any, through RTGS/NEFT system, after getting their Account details by the officials of the Appellant-Insurance Company, within



a period of Six weeks from the date of receipt of a copy of this Judgment.

(iv) that the respondents 1 & 2 herein/Claimants be and hereby are directed to submit their Account details to the Tribunal below forthwith on receipt of the same,

(v) that the Tribunal below be and hereby is directed to transfer the amount already deposited by the appellant herein/2nd respondent to the respective Personal Savings Account Numbers of the respondents 1 & 2/Claimants through RTGS/NEFT system, within a period of two weeks as per the apportionment made by this Court;

(vi) that the appellant Insurance company herein/2nd respondent be and hereby is permitted to recover the entire award amount from the third respondent herein/owner of the vehicle.

(vii) that there be no order as to costs in this Appeal.

Sd/

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

The Motor Accident Claims Tribunal - cum -
Subordinate Judge, Devakottai.

Copy to: The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.T.Selvakumaran, Advocate, SR.No. 2748

+1CC to M/S.N.S.Ramakrishna Dass, Advocate, SR.No. 2729

Dated : 12/01/2017

DECREE

CMA(MD)No.829 of 2016

Nature of DECREE: Disposing the
appeal and giving direction etc.,
as stated within.