



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

Friday, the Twenty Eighth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs.Justice **S.ANANTHI**

CMA(MD). No.922 of 2017

THE BRANCH MANAGER
I.C.I.C.I. LOMBARD GENERAL INSURANCE COMPANY
LTD. MADURAI.

... Appeallant/4th Respondents

Vs

- 1 THAVASIKANI S/O.SUBIRAMANIYA NADAR,
15/1 MELARADA VEETHI,
SEENIVASAGAPURAM AIRWADI,
NANGUNERI TALUK,
TIRUNELVELI DISTRICT.
- 2 PACKIYARAJ,
UMA BROILER,
10A UCHIMAKALIYAMMAN KOVIL STREET,
THOOTHUKUDI.
- 3 THE BRANCH MANAGER
BRANCH OFFICE NATIONAL INSURANCE COMPANY LTD.
175A GREAT GARDEN ROAD THOOTHUKUDI-628 001.
- 4 KASI S/O.S.K.THIMMAN
12 ALAGARKOVIL MAIN ROAD
MADURAI-7.

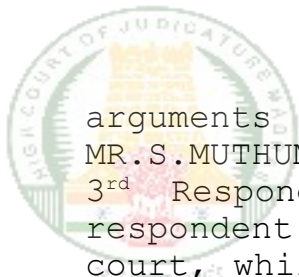
... 2nd to 4th Respondent/1st to 3rd

Respondent

Prayer :- This Civil Miscellaneous Petition filed Under Section 173 of M.V.ACT. To set aside the Judgement and decree dated 24.03.2016 in M.C.O.P.NO 129 OF 2010 on the file of the Motor Accident Claims Tribunal, Sub court, Vallioor.

DECREE:- This Civil Miscellaneous Appeal coming up for hearing on this day, upon perusing the Grounds Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the

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arguments MR. K.K. RAMAKRISHNAN Advocate for the Appellant and MR.S.MUTHUMALAI RAJA for 1st Respondent, MR.S. SRINIVASA RAGHAVAN for 3rd Respondent, MR. M. GURURAJ for 4th Respondent and the 2nd respondent not appeared either in person or by an Advocate, this court, while allowing this appeal in part, doth order and decree as follows:-

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1. That the quantum of compensation awarded by the Tribunal be and is hereby upheld.

2. The orders passed by the Tribunal with regard to the liability be and hereby modified and the negligence on the part of the driver of the lorry bearing Registration NO.TN-63-C-8075 and the driver of the van bearing Registration NO. TN.69-M-2337 in the ratio of 70:30.

3. that, the appellant herein Insurance Company be and is hereby liable to pay 70% of the compensation amount awarded by the Tribunal, less the amount already deposited, if any, together with interest at the rate of 7.5% per annum to the date of claim petition till the date of deposit to the credit of M.C.O.P.NO.129 of 2010, on the file of the Motor Accident Claims Tribunal, Sub Court, Vallioor, within a period of six weeks from the date of receipt of a copy of this order.

4. that, the first Respondent herein claimant be and hereby is permitted to withdraw 70% of compensation awarded by the Tribunal with accrued interest and cost, after following due process of law, and

5. That there be no cost in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Motor Accident Claims Tribunal cum Subordinate Judge,
Vallioor

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-2877[F] dated
28/01/2022)

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CMA(MD). No.922 of 2017

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-2985[F] dated 28/01/2022)

ORDER DATED : 28/01/2022
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DECREE
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CMA(MD) . No.922 of 2017

Nature of the Decree:- Allowing the CMA(MD). No.922 of 2017 preferred against judgment and decree M.C.O.P.NO 129 OF 2010 on the file of the Motor Accident Claims Tribunal, Sub court, Vallioor.

RK(02/03/2022) 3P 6C