



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Third day of October, Two Thousand and Seventeen
present

WEB COPY

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

C.M.A(MD)No.1525 of 2013

National Insurance Company Limited,
Branch Office,
No.1, at 175-A, Great Cotton Road,
Tuticorin-628 001. ... Appellant/2nd Respondent

Vs.

1.Vijay Subramania Rajesh
2.Ganesh Myilvahanan Subbiah
... Respondents 1 and 2/Petitioners

3.P.Perumal ...3rd Respondent/1st Respondent

Appeal is filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, I Additional District Court, Thoothukudi, dated 26.02.2013, made in MCOP No.167 of 2012.

DECREE: This Appeal coming on 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.J.S.Murali, Advocate for Appellant and of Mr.K.Sureshkumar, Advocate for the Respondents 1 and 2 and the 3rd Respondent not appeared either in person or through an advocate and this Court having observed that it is represented that the Appellant herein/Insurance Company had already deposited the entire award amount and the Claimants have withdrawn 50% of the award amount and this court while allowing the Appeal in part and in modification of the award of the Tribunal below, doth order and decree as follows:-

1)That the Appellant herein/Insurance Company do pay to the Respondents 1 and 2/ Petitioners a sum of Rs.11,70,756/- (Rupees



eleven lakhs seventy thousand seven hundred and fifty six only) as total compensation instead of Rs.14,91,912/- (Rupees fourteen lakhs ninety one thousand nine hundred and twelve only) as awarded by the Tribunal below;

2) That the Respondents 1 & 2 /claimants shall withdraw the modified amount as apportioned by the tribunal less the amount already withdrawn;

3) That, the Tribunal below do refund the excess amount, if any, to the Appellant herein/Insurance Company and

4) In other respects, the award of the Tribunal do stand.

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

Sd/

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The I Additional District Judge,
Motor Accidents Claims Tribunal,
Thoothukudi.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1cc to Mr.K.SURESHKUMAR, Advocate, SR.No.83233

+1cc to Mr.J.S.MURALI, Advocate, SR.No. 83450

DATED:23.10.2017

DECREE

C.M.A(MD)No.1525 of 2013

Allowing the Appeal in part preferred against the award of the Motor Accident Claims Tribunal, I Additional District Court, Thoothukudi, dated 26.02.2013, made in MCOP No.167 of 2012 and etc. as stated within.