



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
Thursday, the Twentieth day of September Two Thousand and Eighteen
PRESENT:

The Hon`ble Ms.Justice V.M.VELUMANI

CMA(MD) . No.132 of 2014

A.Subramani

... Appellant/Petitioner

Vs

WEB COPY

1. M.JEYAKUMAR

2. M/S. THE ORIENTAL INSURANCE COMPANY LIMITED,
REP THROUGH ITS REGIONAL MANAGER,
THIRD PARTY HUB OFFICE, 16 KJR COMPLEX,
NORTH VELI STREET, MADURAI 625 001.

VISWANATHAN (EXONERATED/DIED)

3. M/S.NATIONAL INSUR COMP LTD,
REP DIVISIONAL MANAGER,
DIVISIONAL MANAGER,3,NORTH VELI ST,
MADURAI.

... Respondents/ Respondents

(PETITION DISMISSED AS AGAINST THE RESPONDENTS NO.3,
HENCE, NOTICE IS NOT NECESSARY TO THE R3

Prayer:-This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 29.11.2013 made in MCOP.1140/2011 on the file of the Motor Accident Claims Tribunal, IV ADDITIONAL DISTRICT JUDGE, MADURAI.

DECREE:-This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to this case and upon hearing the arguments of MR.G.PRABHU RAJADURAI, Advocate for the Appellants, the first respondent has not appeared either in person or through an Advocate, MR.K.BHASKARAN, Advocate for the second 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:-

(1) That the Second Respondent herein/Insurance Company do pay a sum of Rs.8,73,000/- (Rupees Eight lakhs Seventy Three Thousand only) as total compensation to the appellant herein/claimant instead of Rs.3,12,000/-(Rupees Three lakhs and Twelve Thousands only) as awarded by the Tribunal below.

(2) That the Second Respondent herein/Insurance Company shall deposit the modified award amount along with accrued interest and costs, less the amount already deposited, if any, to the credit of M.C.O.P.No.1140 of 2011 on the file of the Motor Accident Claims Tribunal, IV ADDITIONAL DISTRICT JUDGE,MADURAI, within a period of eight weeks from the date of receipt of copy of this judgment.

(3) That on such deposit is being made, the appellant herein/claimant shall withdraw a sum of Rs.8,73,000/-(Rupees Eight



Lakhs Seventy Three thousand only) with proportionate interest by filling necessary application before the Tribunal; and

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

Sd/-

Assistant Registrar(CO)

WEB COPY

/True Copy/

Sub Assistant Registrar

TO

IV ADDITIONAL DISTRICT JUDGE,
(Motor Accident Claims Tribunal)MADURAI

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.K.BHASKARAN, Advocate (SR-85688 dated 20/09/2018)
+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-86127 dated
24/09/2018)

ORDER DATED : 20/09/2018

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DECREE

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CMA(MD) . No.132 of 2014

Nature of Decree:- Allowing the Appeal in part preferred against award dated 29/11/2013 made in MCOP. 1140 of 2011 on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Madurai and etc., as stated within.

MK/04.03.2019/2P/6C