



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Eleventh day of July Two Thousand and Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WEB COPY

CMA(MD) No.354 of 2016

NATIONAL INSURANCE COMPANY
LTD. THROUGH ITS DIVISIONAL MANAGER,
37-C S.N.HIGH ROAD,
TIRUNELVELI.

...Appellant/2nd Respondent

Vs.

1.BALASUBRAMANIAN,

...1st Respondent/Petitioner

2.MEHALINGAM,

...^{2nd} Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal filed Under Section 173 of Motor Vehicle Act,1988, against the Judgment and decree dated 27.04.2015, passed in M.C.O.P.No.487 of 2014 by the Motor Accident Claims Tribunal/Special Subordinate Judge, Tirunelveli.

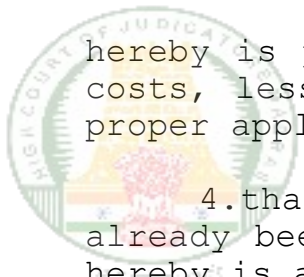
Decree: This Civil Miscellaneous Appeal coming on this day, upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Court and the material Papers in this appeal and upon hearing the arguments of Mr.J.S.Murali, Advocate for the Appellant and of Mr.T.Selvakumaran, Advocate for the respondent No.1 and the 2nd respondent has not appeared either in person or through an Advocate, this Court, while allowing this appeal, in part, doth order and decree as follows:-

1.that the Judgment and decree dated 27.04.2015, passed in M.C.O.P.No.487 of 2014 by the Motor Accident Claims Tribunal / Special Subordinate Judge, Tirunelveli., be and hereby is reduced from Rs.22,28,740/-(Rupees Twenty Two Lakh Twenty Eight Thousand Seven Hundred and Forty Only) to 20,00,000/-(Rupees Twenty Lakhs only);

2.that the Appellant/Insurance Company be and hereby is directed to deposit the entire compensation award amount of Rs.20,00,000/-(Rupees Twenty Lakhs Only) towards compensation with interest at 7.5% per annum from the date of claim petition till the date of deposit, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment.

<https://hcservices.ecourts.gov.in/hcservices/>

3.That on such deposit the 1st Respondent/Claimant be and



hereby is permitted to withdraw the same with accrued interest and costs, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

4.that if the entire compensation awarded by the tribunal, has already been deposited, then the appellant/Insurance Company be and hereby is at liberty to withdraw the excess amount;

5.that the Civil Miscellaneous Appeal be and hereby is allowed in part;

6.that there be no costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tirunelveli.

Copy to

The Record Keeper,
VR.Section,
Madurai Bench Of Madras High Court,
Madurai.(2Copies)

+1CC to Mr.J.S.Murali, Advocate in SR.No.72476.

+1CC to Mr.T.Selvakumaran, Advocate in SR.No.72444.

Dated :11.07.2018

Decree

CMA (MD) No.354 of 2016

Partly Allowing this Civil
Miscellaneous Appeal by
reducing the award passed
by the MACT/Special
Subordinate Judge,
Tirunelveli in
M.C.O.P.No.487 of 2014
dated 27.04.2015.

DS/RP/SAR-4 :09.08.2018: 2P/6C