



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twelfth day of December Two Thousand and Eighteen

PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) No.224 of 2018

1 THE REGIONAL MANAGER,
THE NATIONAL INSURANCE COMPANY LIMITED, DINDIGUL.

...Appellant/2nd Respondent

Vs

1 V.SUBRAMANIAN

..1st Respondent/Petitioner

2 M.N.R.EXPORTS, CHENNAI.

..2nd Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal file under Section 173 of Motor Vehicle Act, 1988 against the award dated 12.08.2011, passed in M.C.O.P.No. 2 of 2007 by the Motor Accidents Claims Tribunal/Subordinate Judge, Palani.

DECREE:-

The Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds'of Appeal, the judgment and decree of the Lower Court and the material papers to this Appeal, and upon hearing the arguments of Mrs.K.R.Shiva Shankari, Advocate for the Appellant, and of Mr.C.Sankarprakash, Advocate for First respondent and the Second Respondent not appeared either in person or through advocate, this Court while partly allowing this appeal, doth order and decree as follows:

1.that the award dated 12.08.2011, made in in M.C.O.P.No. 2 of 2007 by the Motor Accidents Claims Tribunal/Subordinate Judge, Palani, be and hereby is confirmed;

2.that the appellant herein / insurance Company be and hereby is directed to deposit the entire compensation amount awarded in this appeal, less the amount already deposited, with accrued interest and costs within a period of eight weeks from the date of receipt of copy of this judgment.

3.that the appellant herein / insurance Company be and hereby is directed to indemnify the owner of the vehicle herein/Second Respondent in the appeal and permitted to recover the amount from the owner of the vehicle, as per the observation contained in the

judgment there in;

4.that on such deposit, the claimant be and hereby is permitted to withdraw the entire award amount, as awarded by the Tribunal, less the amount already withdrawn, if any; and

5.that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge /
Motor Accident Claims Tribunal,
Palani, Camp at Kodaikanal,
Dindigul District.

Copy to

The Record Keeper(2 copies)
VR Section,
Madurai Bench of Madras High Cour,
Madurai.

+1 cc to Mr. Mrs.K.R.Shiva Shankari, Advocate SR.No.100216

+1 cc to Mr. Mr.C.Sankar Prakash, Advocate SR.No.100104

KM-tr/(05.03.2019) 2P 6C

ORDER DATE:12.12.2018

CMA(MD)NO.224 OF 2018

NATURE OF DECREE

Partly Allowing the CMA against the award passed by The MACT/Sub Court, Palani, made in MCOP.No.2 of 2017, dated 12.08.2011.