



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

Monday, the Tenth day of December Two Thousand Eighteen

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMA(MD) . No.1104 of 2018

NATIONAL INSURANCE COMPANY LTD
THROUGH ITS BRANCH MANAGER
MELA PERIA COTTON ROAD
THOOTHUKUDI.

... Appellant(s)

Vs

- 1 S.RAJASINGH,
S/O.SUBRAMANIAN, D.NO.1/413, SHANTHI NAGAR,
BEEGI NAGAR, VEERAPANDIAPATTINAM,
TIRUCHENDUR TK, THOOTHUKUDI DT.
- 2 A.PONRAJ,
S/O.ARUNACHALA NADAR, NO.43, LAKSHMI AMMAN
KOVIL ST, ARUMUGANERI, TIRUCHENDUR TK.
- 3 A.SENTHIL,
S/O.ANTHONY, NO.17A3, POOVARASUR, THERKKU ST,
ARUMUGANERI, TIRUCHENDUR TK.

... Respondent(s)

Prayer:- Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act, 1988, preferred against the judgment and decree of the FTC-I/DISTRICT JUDGE,TUTICORIN, dated 05/05/2009 made in M.C.O.P.80/2008.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.S.SRINIVASA RAGHAVAN, Advocate for the Appellant and of MR.S.KADARKARAI, Advocate for the first and second and third respondent not appeared either in person or by an Advocate, while modifying the award of the tribunal party allowing the Appeal and doth order and decree as follows:-



(1) that the amount awarded by the Tribunal is reduced from Rs.6,19,760/- to Rs.5,19,760/- (Rupees Five Lakhs Nineteen Thousand Seven Hundred and Sixty only);

(2) That the Appellant is directed to deposit the modified compensation of Rs.5,19,760/- with 8.5% interest per annum from the date of claim till the date of deposit, less the amount already deposited if any, to the credit of the claim petition within a period of four weeks from the date of receipt of copy of this judgment.

(3) That on such deposit being made, the first respondent/the claimant is permitted to withdraw the same without filing formal permission petition before the Tribunal.

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

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

TO

THE DISTRICT JUDGE, FTC-I,
TUTICORIN

Copy to:

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-100824)



WEB COPY

ORDER DATED : 10/12/2018
=====

DECREE
=====

CMA (MD) . No.1104 of 2018

Nature of Decree:- Dismissing
the Civil Miscellaneous
Appeal preferred against the
judgment and decree of the
FTC-I/DISTRICT JUDGE,
TUTICORIN, dated 05/05/2009
made in M.C.O.P.80/2008.

ES/27.02.2019/3P/5C