



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

AND

The Hon'ble Mrs.Justice R.THARANI

CMA(MD) . No.137 of 2019

THE BRANCH MANAGER,
NATIONAL INSURANCE CO LTD I FLOOR EAST ,
MAIN ROAD PUDUKOTTAI 622 001. ... Appellant/2nd Respondent

Vs

- 1 P.SIRUMBAYEE,
W/O.LATE PALANIYANDI, VADAVAMBADI,
VELLAPPATTI POST, KADAVUR TK, KARUR DISTRICT.
- 2 P.MARIYAPPAN,
W/O.LATE PALANIYANDI, VADAVAMBADI,
VELLAPPATTI POST, KADAVUR TK,
KARUR DISTRICT. ...Respondents/ Appellants
- 3 S.SANKAR,
S/O.SUBRAMANIAN, NO.2066/6,
AMBALPURAM, PUDUKOTTAI 622 102. ...Respondent/1st Respondent

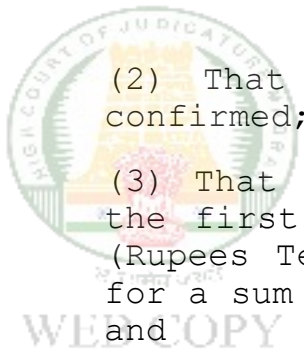
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Judgment and decree of the SUB JUDGE, KULITHALAI MACT, dated 22/11/2017 made in MCOP.248/2013

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 M/S.R.RAJAMANI, Advocate for the Appellant and of MR.V.KANNAN FOR R1 AND R2, No Appearance for R3, while modifying the award of the Tribunal and partly Allowing the Appeal this Court doth order and decree as follows:-

- (1) That the award passed by the Tribunal is reduced from Rs.19,52,520/- (Rupees Nineteen Lakhs Fifty Two Thousand Five Hundred and Twenty only) to Rs.14,90,000/- (Rupees Fourteen lakhs Ninety Thousand only);



(2) That the rate of interest awarded by the Tribunal stands confirmed;

(3) That and out of the total compensation awarded by this court the first claimant shall be entitled for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) and the second claimant shall be entitled for a sum of Rs.4,90,000/- (Rupees Four lakhs Ninety Thousand only); and

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

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
The MOTOR ACCIDENT CLAIMS TRIBUNAL.
KULITHALAI.

Copy to:

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

+1 CC to M/s.R.RAJAMANI, Advocate (SR-58842 dated 04/04/2019)

+1 CC to M/s.V.KANNAN, Advocate (SR-59165 dated 05/04/2019)

ORDER DATED : 04/04/2019

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DECREE
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CMA(MD) . No.137 of 2019

Nature of Decree:- Partly
allowing
the Civil Miscellaneous
Appeal preferred against the
judgment and decree of the
SUB JUDGE, KULITHALAI MACT,
dated 22/11/2017 made in
MCOP.248/2013