



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

Friday, the First day of November Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.169 of 2013

THE DIVISIONAL MANAGER,,
M/S.NATIONAL INSURANCE CO.LTD.
NO.3 NORTH VELI STREET MADURAI..

... Appellant/Respondent 2

Vs

1 T.PREMKUMAR, ...1st Respondent/Petitioner
S/O.A.THANIKODI, CHINNAKURAVANKUDI,
IYYANARKULAM POST ,
USILAMPATTI TALUK,
MADURAI DISTRICT.

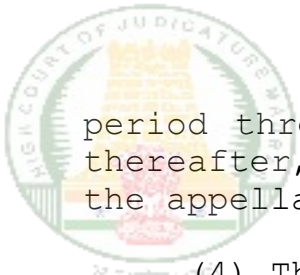
2 S.AYYARSAMY,
S/O SIVANKALAI @ AYYAR THEVAR,
NO 4/76, KODIKULAM, USILAMPATTI TALUK,
MADURAI DISTRICT. ...2nd Respondent/1st Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act,to set aside the fair and decreetal order dated 08.10.2010 made in M.C.O.P.No.1451 of 2007 on the file of the Motor Accidents Claims Tribunal (IV Additional Sub Court), Madurai.

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.K.R.SHIVASANKARI, Advocate for the Appeallant and of MR.N.SUDHAGAR NAGARAJ Advocate FOR R1, and there being NO APPEARANCE EITHER IN PERSON OR BY AN ADVOCATE FOR R2, while partly allowing this Appeal and reducing the award amount of the Tribunal,this Court doth order and decree as follows:-

(1) That the award and decree passed by the Motor Accidents Claims Tribunal (IV Additional Sub Court), Madurai in M.C.O.P.No.1451 of 2007 be and hereby is modified to a sum of Rs. 1,24,900/- from Rs.1,58,900/- together with interest at 7.5% per annum from the date of petition till the date of deposit.

(2) That as the Appeallant/Insurance Company has already deposited the entire award amount along with interest before the Tribunal be and hereby is directed to transfer the amount to the first respondent's/Claimant's account by way of RTGS, within a



period three weeks from the date of receipt of this judgement and thereafter, the Tribunal shall return the balance amount if any, to the appellant/Insurance Company.

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

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal
(IV Additional Sub Court), Madurai.

Copy to:

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

+1 CC to Mr.S. SRINIVASA RAGHAVAN, Advocate, SR-95640

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate, SR-95873

ORDER DATED :01/11/2019

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DECREE
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CMA(MD) . No.169 of 2013

Nature of Decree:-Allowing in Part the Civil Miscellaneous Appeal to set aside the fair and decreetal orderdated 08.10.2010 made in M.C.O.P.No.1451 of 2007 on the file of the Motor Accidents Claims Tribunal (IV Additional Sub Court), Madurai, as stated within.