



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

Tuesday, the Twenty Third day of April Two Thousand and Nineteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
AND
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD). No.547 of 2018

THE NEW INDIA ASSURANCE
COMPANY LTD THROUGH ITS MANAGER
PERUNTHURAI BRANCH OFFICE V.R.V. COMPLEX
1ST FLOOR BHAVANI MAIN ROAD PERUNTHURAI ERODE DIST.
...Appellant/2 nd Respondent

Vs

1 SHANMUGASUNDARANATHAN
2 MANOHARI
3 SENTHILNATHAN
4 RAJESWARAN ...Respondents 1 to 4/Petitioners
5 RAJESHKUMAR ...5th Respondent/1st Respondent

Prayer :-

This Civil Miscellaneous Appeal is filed Under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the Judgment and decree dated 04.12.2017 in M.C.O.P.No.191 of 2012 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Kulithalai and allow the Appeal with costs and thus render justice.

Order: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order 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 Mr.K.Govindarajan, Advocate for the Respondents R1 to R4, and Dispense with for R5, doth order and decree as follows.

1.that the quantum of compensation awarded by the Tribunal be and hereby is reduced from Rs.44,29,000/- to Rs.23,32,000/-and this civil Miscellaneous Appeal is Partly Allowed.

2.that the appellant herein/Insurance company has already been deposited a sum of Rs.25,00,000/- and the Claimants/Respondents withdrew Rs.20,00,000/-.

3.that the Claimants be and hereby are permitted to withdraw



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the balance modified award amount, and the Tribunal shall return the excess amount to the appellant if any.

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

Sd/-

Assistant Registrar (CS II)

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Sub Assistant Registrar(CS)

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL, SUB JUDGE, KULITHALAI

+1 CC to M/s.K.GOVINDARAJAN, Advocate,SR-62055

+1 CC to M/s.J.S.MURALI, Advocate,SR-62083

ORDER DATED : 23/04/2019

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DECREE

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CMA(MD). No.547 of 2018

PARTLY ALLOWING this
CMA(MD).No.547 of 2018
preferred against judgment
and decree passed by THE
MOTOR ACCIDENT CLAIMS
TRIBUNAL, SUB JUDGE,
KULITHALAI made in
MCOP.191/2012 on
04/12/2017 etc. as stated
within.

KK/SAR/24.07.2019/2P-4C