



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

Thursday, the Twenty First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
AND

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.84 of 2013

THE ORIENTAL INSURANCE COMPANY LIMITED,
75, KRISHNAN STREET, THIRUVANAMALAI.

... Appellant / 2nd Respondent

Vs

1 V.BALAJI ... 1st Respondent / Petitioner

2 M.KRISHNARAJ ... 2nd Respondent / 1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the III ADDITIONAL SUB JUDGE, MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUCHIRAPPALLI dated 23/07/2012 made in M.C.O.P. No.912 of 2009.

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.K.BHASKARAN, Advocate for the Appellant and of MR.A.N.RAMANATHAN, Advocate for the first Respondent and the 2nd Respondent having remained set exparte before the lower court and while modifying the award and party allowing this Appeal, this Court doth order and decree as follows:-

(1) that the award of the Tribunal be and hereby is reduced from from Rs.83,69,700/-to Rs.50,06,150/- (Rupees Fifty Lakhs six thousand one hundred and fifty only) ;

(2) that the Insurance Company be and hereby is directed to deposit the modified compensation now awarded, less the amount if any already deposited, with accrued interest and costs, within a period of eight weeks from the date of receipt of a copy of this judgement;

(3) that on such deposit being made, the claimant be and hereby is permitted to withdraw the entire amount with accrued interest and costs, less the amount already withdrawn if any, by filing an application before the Tribunal; and



(4) that there be no order as to costs in this Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar (CS)

TO

THE III ADDITIONAL SUB JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
TIRUCHIRAPPALLI.

Copy to:

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

+1 CC to M/s.K.BHASAKARAN, Advocate (SR-48817 dated 21/02/2019)

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-48958 dated 22/02/2019)

ORDER DATED : 21/02/2019

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D E C R E E

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CMA(MD). No.84 of 2013

Nature of Decree:-Partly
Allowing the Civil
Miscellaneous Appeal
preferred against the
judgment and decree of the
MOTOR ACCIDENT CLAIMS
TRIBUNAL, III
ADDITIONAL SUB
JUDGE, TIRUCHIRAPPALLI
dated 23/07/2012 made in
M.C.O.P. No.912 of 2009

TR (26.04.2019) 2P 6C