



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Third day of November Two Thousand and Twenty

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

CMA(MD)No. 288 of 2008

National Insurance Co. Ltd.,
Rep. by its Branch Manager, No.11,
92, Thevarpuram Road, Tuticorin-628 003 Appellant

VERSUS

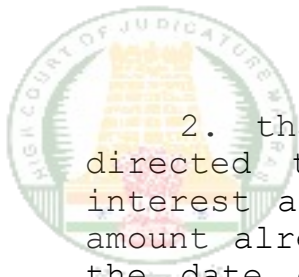
- 1.Petchithai, W/o.Vijayakumar,
Singikulam Road, Panangulam,
Nanguneri Taluk, Tirunelveli District.
- 2.G.Jeyaraj, S/o.Gopalakrishnan,
1A8, Mada Street, Sernthamaram Post,
Sankarankovil Taluk, Tirunelveli District.
- 3.The Proprietor, M/s.Santhi Finance Corporation,
46, Irulappan Street, Sowcarpet,
Chennai, Tamil Nadu. ... Respondents

PRAYER IN CMA(MD)No. 288 OF 2008 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, praying this Court to set aside the fair and decreetal order dated 30.12.2005 and made in MCOP No. 983 of 2004 on the file of Motor Accident Claims Tribunal, (Principal District Judge), Tirunelveli.

DECREE:- This Civil Miscellaneous Appeal coming up for final hearing on this day, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.S.SRINIVASA RAGHAVAN, Advocate for the Appellant, MR.R.RAMASAMY, Advocate for the 1st Respondent, and of Mr.ANAND C.RAJESH, Advocate for the 2nd Respondent, this Court while allowing the appeal in part, doth order and decree as follows:-

- 1.That, the quantum of compensation awarded by the Tribunal be and hereby is confirmed as such ;



2. that, the Appellant/ Insurance Company be and hereby is directed to deposit the entire compensation amount along with interest and costs, as ordered by the Tribunal after deducting the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment and thereafter, recover the same from the owner and the financier of the vehicle, in accordance with law ;

3. that, on such deposit being made the first respondent/Claimant be and hereby is permitted to withdraw the same on making proper application before the Tribunal and

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

Copy to:

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

ORDER DATED : 23/11/2020

=====

DECREE

=====

CMA(MD)No.288 of 2008

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the fair and decretal order dated 30.12.2005 and made in MCOP No. 983 of 2004 on the file of Motor Accident Claims Tribunal, (Principal District Judge), Tirunelveli.