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IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY, THE TWENTY SIXTH DAY OF AUGUST,
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CMA Nos.2724 of 2014
and
1789 of 2016

The National Insurance Co.,
New Delhi,
Corporate Office,
Divisonal Office,
Court Veedhi,
Tiruppur

...Appellant/2nd Respondent in
CMA.No.2724/2014/2nd Respondent/
2nd Respondent in CMA.No.1789/2016

vs

1.N.Udhayakumar

...1st Respondent/Petitioner in
CMA.No.2724/2014/Appellant/
Petitioner in CMA.No.1789/2016

2.R.Krishnasamy

...2nd Respondent/1st Respondent
in CMA.No.2724/2014/in
CMA.No.1789/2016/1st Respondent

Comman Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree dated 23.12.2011 made in M.C.O.P.No.350 of 2009 on the file of Motor Accidents Claims Tribunal, Sub Judge, Tiruppur.

Decree: These Civil Miscellaneous Appeals are coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of M/s.S.Vadivel, Advocate for the Appellant in CMA.No.2724/2014 and 2nd Respondent in CMA.No.1789/2016 and M/s.N.Umapathy, Advocate for the Appellant in CMA.No.1789/2016 for 1st Respondent in CMA.No.2724/2015 and for 2nd Respondent in CMA.No.2724/2015 and 1st Respondent in CMA.No.1789/2016 not appear in person or by advocate, this Court, While allowing the Civil Miscellaneous Appeal No.2724/2014 in part by modifying the award of the Tribunal and dismissing the CMA.No.1789/2016, doth order and decree as follows:-



1. That the award of the Tribunal be and hereby is reduced to Rs.3,13,573/- (Rupees Three Lakhs Thirteen Thousand Five Hundred and Seventy Three Only) from Rs.3,70,374/- (Tribunal award) as awarded by this Court.

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2. That the Appellant herein/Insurance Company in CMA.No. 2724/2014 be and hereby is permitted to withdraw the excess amount deposited to the credit of M.C.O.P.No.350 of 2009 on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Tiruppur.

3. That the Tribunal be and hereby is directed to transfer the award amount directly to the Bank account of the Claimant through RTGS within a period of 2 weeks.

4. That the Civil Miscellaneous Appeal No.1789/2016 filed by the Claimants be and hereby is dismissed.

5. That there be no costs in this Civil Miscellaneous Appeal.

-s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

sr

To

1. The Motor Accident Claims Tribunal,
Sub Judge,
Tiruppur.

Copy To:

The Section Officer,
V.R. Section
High Court of Madras,
Chennai - 104.

+1cc to Mr.S.Vadivel, Advocate, SR.No. 43151



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Order Dated: 26/08/2021

Decree:

CMA No.2724/2014

Partly allowing the Civil
Miscellaneous Appeal
No.2724/2014 and
Dismissing the
CMA.No.1789/2016
preferred against the
judgment and Decree dated
23/12/2011 made in
M.C.O.P.No.350/2019 on
the file of the Motor
Accidents Claims
Tribunal/Sub Judge,
Tiruppur, etc., as stated
therein.

BP (CO)
RN (26/05/2022)