



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Friday, the Sixteenth day of April Two Thousand Twenty One
PRESENT**

**The Hon`ble Mr.Justice K.KALYANASUNDARAM
CMA(MD) . No.135 of 2011
and
Cross Objection(MD) .No.16 of 2011**

WEB COPY

THE DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
708, THENKASI ROAD,
RAJAPALAYAM.

**... Appellant in CMA/2nd Respondent in
CrossObjection/2nd Respondent in MCOP
-Vs-**

1 N. SELVAMOCHAN

**... 1stRespondent in CMA/Cross
Objector/Claimant**

2 B. VENKATESWARAN

**... 2nd Respondent in CMA/1st Respondent
in Cross Objection/1st Respondent in MCOP**

Prayer:-

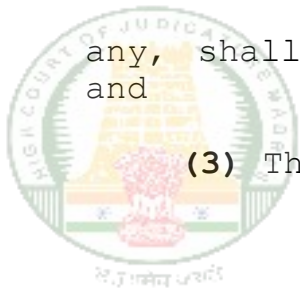
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against and Cross Objection filed under Order 41 Rule 22 r/w Section 96 of the C.P.C to allow the fair and decreetal order dated 25.02.2010 made in M.C.O.P.No.28 of 2009 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Virudhunagar.

DECREE:-

This Civil Miscellaneous Appeal and Cross Objection 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.S.SRINIVASA RAGHAVAN, Advocate for the Appellant in CMA and for 2nd Respondent in Cross Objection and of MR.D.NALLATHAMBI, Advocate for the 1st Respondent in CMA and for Objector for Cross Objection, this Court while Allowing the Civil Miscellaneous Appeal in Part and Dismissing the Cross Objection and in modification of the award amount and in taking into consideration that the Counsel for the Appellant in the Civil Miscellaneous Appeal represents that the Appellant herein/Insurance company has deposited 50% of the award amount, doth order and decree as follows:-

(1) That, the Compensation awarded dated 25.02.2010 made in M.C.O.P.No.28 of 2009 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Virudhunagar be and hereby is reduced to Rs.3,50,000/- (Rupees, Three Lakhs and Fifty Thousand only) instead of Rs.6,75,000/- as awarded by the Tribunal below;

(2) That on such deposit being made, the 1st Repondent herein CMA/Claimant be and are hereby permitted to withdraw the modified compensation along with interest at 7.5% and the excess amount, if



any, shall be returned to the Appellant herein/Insurance Company;
and

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

Sd/-

Assistant Registrar (P&A)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal,
Subordinate Court, Virudhunagar.

Copy to:

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

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-16205 dated
17/04/2021)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-16223 dated 17/04/2021)

ORDER DATED : 16/04/2021

=====

DECREE

=====

CMA(MD) . No.135 of 2011

and

Cross Objection(MD)16/2011

Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against and
Dismissing the Cross Objection
preferring to allow the fair and
decreetal order dated 25.02.2010 made
in M.C.O.P.No.28 of 2009 on the file
of the Motor Accident Claims
Tribunal, Subordinate Court,
Virudhunagar, as stated with in.