



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

Tuesday, the Ninth day of November Two Thousand Twenty One
PRESENT

The Hon'ble Mrs. Justice R. THARANI
CMA(MD) . No.1532 of 2013

THE BRANCH MANAGER,,
M/S.ORIENTAL INSURANCE CO.LTD.
73/B1 SALAI, ROAD,
LAKSHMI COMPLEX,
THILLAI NAGAR,
TRICHY-18.

... Appellant

Vs

1 S.P.THANGARAJ,
S/O.PERUMAL,
NO.63A, RAILWAY STATION ROAD,,
SRIRENGAM, TRICHY..

2 K.M.TAMILMARAN,
S/O.K.MUTHU GOUNДАР,
NO.D-27, NORTH EAST, EXTENSION,
THILLAI NAGAR,
TRICHY-18.
(R2 GIVEN UP)

... Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree passed in M.C.O.P.No.1002 of 2008 dated 10.08.2012 on the file of Motor Accidents Claims Tribunal cum Sub Court, Tiruchirappali.

DECREE:-

This Civil Miscellaneous Appeal came up for final hearing on third day of September Two Thousand and Twenty One, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of M/S.C.JAWAHAR RAVINDRAN, Advocate for the Appellant and of M/S.N.SUDHAGAR NAGARAJ, Advocate for the respondent No.1 and Respondent No.2 Given up, and having stood over for consideration till this day, this court while allowing in part this Civil Miscellaneous Appeal, doth order and decree as follows:-

(1) That the first respondent be and hereby is entitled to a sum of Rs.3,95,000/- (Rupees Three Lakhs and Ninety Five Thousand only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization,

(2) That the Appellant/Insurance Company be and hereby is directed to deposit Rs.3,95,000/- (Rupees Three Lakhs and Ninety Five



Thousand only) with 7.5% interest from the date of his claim petition till the date of realization and the amount if not deposited earlier, has to be deposited within a period of eight weeks from the date of receipt of copy of this decree,

(3) That on such deposit, the first respondent be and hereby is permitted to withdraw the award amount with proportionate interest after deducting any amount received by him earlier. Excess amount, if any deposited shall be refunded to the appellant,

(4) That the claimant shall not entitled for interest for the default period, if there is any,

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal cum Sub Judge,
Tiruchirappalli.

Copy to:

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

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-33841 dated
09/11/2021)

ORDER DATED : 09.11.2021

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DECREE

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CMA(MD). No.1532 of 2013

Nature of Decree:-

Allowing in part of this Civil Miscellaneous Appeal the judgment and decree passed in M.C.O.P.No.1002 of 2008 dated 10.08.2012 on the file of Motor Accidents Claims Tribunal cum Sub Court, Tiruchirappalli.