



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

**Wednesday, the Twenty Fourth day of November Two Thousand Twenty One
PRESENT**

**THE HON`BLE MRS.JUSTICE S.ANANTHI
CMA(MD) . No.686 of 2013**

WEB COPY

NATIONAL INSURANCE COMPANY LIMITED
REPRESENTED BY ITS BRANCH MANAGER,
GANESH COMPLEX,
1754-1756,
MANOJIAPPA STREET ,
THANJAVUR.

... Appellant/2nd Respondent

Vs

1.Jaggammal
2.Rajeswari
3.Rani
4.Pushpavalli
5.Muthumari
6.Jayakodi
7.Manivannan
8.BALAMURUGAN
9.AMSAVALLI

... Respondents 1 to 7/Petitioners 1 to 7

... Respondents 8 & 9/Respondents 1 & 3

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal /Sub Judge, Aruppukottai dated 03/04/2008 made in M.C.O.P.No.153 of 2006.

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.L.MUNIYARASU, Advocate for the Appellant and of Mr.M.SARAVANAKUMAR, Advocate for the respondents two to six, 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 and 10% contributory negligence is fixed on the part of the rider and pillion riders of the two wheeler.



(2) That the respondents 1 to 7 herein be and hereby are at liberty to withdraw 90% of the award amount in the apportionment fixed by the Tribunal along with proportionate interest and costs after following due process of law.

(3) That the appellant/Insurance Company be and hereby is at liberty to withdraw the excess 10% of the award amount deposited by them on the file of the Motor Accidents Claims Tribunal /Sub Judge, Aruppukottai, together with proportionate interest and costs after following due process of law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TO

The Sub Judge,
Motor Accident Claims Tribunal,
Aruppukottai

Copy to:

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

+1 CC to M/s. R.SRINIVASAN, Advocate (SR-36138 dated 26/11/2021)
+1 CC to M/s. M.SARAVANAKUMAR, Advocate (SR-35796 dated 25/11/2021)

ORDER DATED : 24/11/2021

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DECREE

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CMA(MD). No.686 of 2013

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the Motor Accidents Claims Tribunal /Sub Judge, Aruppukottai dated 03/04/2008 made in M.C.O.P.No.153 of 2006.

KM(CO)

GC(05.01.2022) 2P 6C

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