



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(CIVIL APPELLATE JURISDICTION)**

**TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER TWO THOUSAND TWENTY ONE
PRESENT**

THE HON'BLE MRS.JUSTICE S.ANANTHI

CMA(MD) .NO.352 OF 2020

Branch Manager,
National Insurance Company Limited,
Keelaraaja Veethi,
Pudukottai

... Appellant/2nd Respondent

Vs

1.Muruganantham
2.Chithra
3.Minor Nagapradeban

(3rd Minor Respondent is represented
through his father/guardian/
1st respondent, Muruganantham)

... 1 to 3 Respondents/Petitioners

4.Chinnathambi

...4th Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 12/04/2018 in MCOP.No.444 of 2014 on the file of the Motor Accident Claims Tribunal Cum Principal District Judge, Pudukkottai.

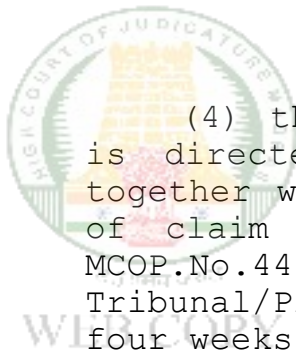
DECREE:-

This civil Miscellaneous appeal having come up for hearing on this day, 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.R.Rajamani, Advocate for the Appellant and of Mr.T.Lenin Kumar, Advocate for the Respondents 1 to 3 and 4th Respondent did not appeared either in person or by an Advocate and this Court, while Allowing this Appeal and modifying the liability fixed by the tribunal below, doth order and decree as follows:-

(1) that the quantum of compensation award passed by the Motor Accident Claims Tribunal cum Principal District Judge, Pudukkottai dated 12/4/2018 made in MCOP.No.444 of 2014 be and hereby is confirmed.

(2)that the Appellant herein/Insurance Company to pay the compensation be and hereby is alone set aside.

(3)that the Appellant herein/Insurance Company be and hereby is directed to pay the compensation awarded by the tribunal at the first instance, and then, recover the same from the fourth respondent herein/owner of the vehicle.



(4) that the Appellant herein/Insurance Company be and hereby is directed to deposit the compensation award of Rs.4,60,000/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.444 of 2014 on the file of the Motor Accident Claims Tribunal/Principal District Court, Pudukottai within a period of four weeks from the date of receipt of a copy of this judgment.

(5)that on such deposit being made, the Respondents 1 and 2 are herein/Claimants 1 and 2 be and hereby are at liberty to withdraw the same after following due process of law.

(6)that the apportionment granted by the tribunal be and hereby is kept intact.

(7)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,
The Motor Accident Claims Tribunal, Pudukottai.

Copy to:

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

ORDER DATED :23/11/2021

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DECREE

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CMA(MD).No.352 of 2020

While Allowing this Appeal and modifying the liability fixed by the tribunal below as against the Judgment and Decree dated 12/04/2018 in MCOP.No.444 of 2014 on the file of the Motor Accident Claims Tribunal Cum Principal District Judge, Pudukkottai., etc.,as stated therein.

SE (CO)
GC (22.12.2021) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>