



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

Monday, the Twentieth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) No.256 of 2016

THE MANAGER
NATIONAL INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE (350700) 50, JENPATH,
NEW DELHI-110 001.

...APPELLANT/RESPONDENT

Vs

1 LAKSHMI

2 SIVASAMY

...RESPONDENTS 1&2/PETITIONERS 1&2

SENTHILKUMAR (DIED)

...DECEASED/RESPONDENT 1

3 RAMANA

4 MINOR.MUKILARASU

5 MINOR.MEENALOCHANI

(4 TO 5 REP THRO THEIR MOTHER AND NATURAL
CUARDIAN RAMANA, THE 3RD RES HEREIN)

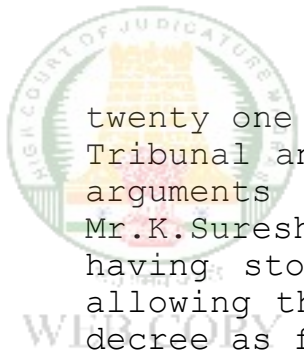
...RESPONDENTS 3,4&5/RESPONDENTS 3,4&5

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor
Accident Claims Tribunal/District Court, Karur in M.C.O.P.No 85 of
2008, dated 10.01.2013.

DECREE:-

This Civil Miscellaneous Appeal having come up for final
hearing on Monday the Sixteenth day of August two thousand and
<https://hcs.e-sorts.gov.in/hcs/Arjuna>



twenty one and 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.D.Sivaraman, Advocate for the Appellant and of Mr.K.Sureshkumar, Advocate for the first and second respondent, and having stood over for consideration till this day, while partly allowing this Civil Miscellaneous Appeal, this Court doth order and decree as follows:-

(1)That the award passed by the Tribunal/District Court, Karur in M.C.O.P.No. 85 of 2008, be and hereby is reduced and the respondents 1 and 2 herein/Claimants be and are hereby entitled to a sum of Rs.5,08,000/- (Rupees five lakhs and eight thousand only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization and the Civil Miscellaneous Appeal is Partly Allowed.

(2) That the Appellant/Insurance company Limited, be and hereby is directed to deposit Rs.5,08,000/- (Rupees five lakhs and eight thousand only) with 7.5% interest from the date of the claim petition till the date of realization and the amount if not deposited earlier, has to be deposited within a period of 8 weeks from the date of receipt of copy of this order.

(3)That on such deposit being made, the claimants be and are hereby permitted to withdraw their respective shares as per the ratio fixed by the Tribunal with proportionate interest, after deducting any amount received by them earlier. Excess amount, if any deposited shall be refunded to the appellant/Insurance Company,

(4)That the claimants be and hereby are 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-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Motor Accidents Claims Tribunal,
District Judge,
Karur.



2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-39675[F] dated 21/12/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-39586[F] dated 20/12/2021)

ORDERS RESERVED :16.08.2021

ORDERS DELIVERED:20.12.2021

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DECREE

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CMA(MD) No.256 of 2016

Nature of Decree :-

Partly allowed the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal/District Court, Karur Made in M.C.O.P.No.85 of 2008, dated 10.01.2013. etc., as stated therein.

RK(04/03/2022) 3P 6C