



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Nineteenth day of January Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMA(MD)No.796 of 2016

M/S.NATIONAL INSURANCE COMPANY LIMITED,
MADURAI-20, MIG 315,
80 FEET ROAD, ANNA NAGAR,
MADURAI-20.

... Appellant/2nd Respondent

/ VERSUS /

1 K.KANNAN

... 1st Respondent/Petitioner

2 B.NALLAKAMAN

... 2nd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal, IV Additional District Judge, Madurai, dated 11.02.2015, made in MCOP No.1176/2012.

DECREE:-This Civil Miscellaneous Appeal coming upon for final hearing on Tuesday, the Fifteenth day December, Two Thousand and Twenty, upon perusing the Grounds of Appeal, the award 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.RAVI, Advocate for the 1st Respondent and the 2nd Respondent not appeared either in person or by an advocate and having stood over for consideration till this day, this Court while allowing the Appeal in Part and in modification to the award of the Tribunal below, doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal, IV Additional District Judge, Madurai, dated 11.02.2015, made in MCOP No. 11/02/2015 be and hereby is reduced from Rs. 2,63,683/- to a sum of Rs.2,44,983/- (Rupees Two Lakhs Forty Four Thousand Nine Hundred and Eighty Three only)

(2) that, the Appeallant/Insurance Company be and hereby is directed to deposit the modified amount as awarded herein together with interest at 7.5 % per annum, within a period of eight weeks from the date of receipt of a copy of this judgment, if not already deposited ;

(3) that, on such deposit being made, the claimant be and hereby is permitted to withdraw the award amount with accrued interest and costs, less amount already withdrawn, if any, on due application before the Tribunal and



WEB COPY

(4) That, the Parties be and hereby are directed to bear their own costs.

// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /2021

Sub Assistant Registrar(CS)

TO

THE IV ADDITIONAL DISTRICT JUDGE
MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURAI.

Copy to:

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

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-1458 dated 20/01/2021)

ORDER DATED : 19/01/2021

=====

DECREE

=====

CMA(MD)No.796 of 2016

Nature of Decree:- Allowing the Appeal in part preferred against the judgment and decree of the Motor Accidents Claims Tribunal, IV Additional District Judge, Madurai, dated 11.02.2015, made in MCOP No. 1176/2012 and etc. as stated within.

VB (08.02.2021) 2P 5C