



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twelfth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1574 of 2011

National Insurance Company
Limited Jerome Buildings 1st Floor Fort
Station Road Trichy. ...Appellant/2nd respondent.

Vs

1 A. Vergin Metelda

2 Arokia Dass

3 Selvam

4 Jesudass

5 Robert

6 Chinnappa

7 Benjamin

..Respondents 1 to 7/Petitioners 1 to 7

8 R. Sivakumar

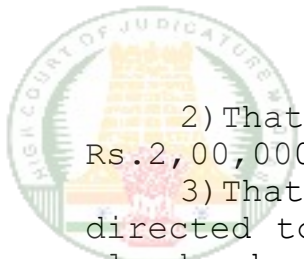
..8th respondent/1st Respondent

Prayer :-

This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988 against the judgment and decree, dated 07.01.2010, made in M.C.O.P.No.109 of 2002, on the file of the Motor Accident Claims Tribunal-Principal District Judge, Tiruchirappalli.

Decree:- This Civil Miscellaneous Appeal coming on Friday the 15th day of July 2022, and upon perusing the grounds of appeal and the material papers of lower court and upon hearing the arguments of D.Sivaraman, Advocate for the appellant and of Mr. N.Sudhagarnagaraj, Advocate for the respondents 1 to 7 and the 8th respondent not appearing in person or by advocate, and having stood over for consideration till this day, and this court while allowing in part, doth Judgment and decree as follows;

1) That the judgment and decree, dated 07.01.2010, made in M.C.O.P.No.109 of 2002, on the file of the Motor Accident Claims Tribunal-Principal District Judge, Tiruchirappalli., be and hereby is reduced from Rs.4,00,000/- to Rs.2.00,000/-.



2) That the claimants be and hereby are entitled to Rs.2,00,000/- as compensation.

3) That the appellant-Insurance company, be and hereby is directed to deposit the entire compensation of Rs.2,00,000/- (if not already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and with costs, within a period of eight weeks from the date of receipt of a copy of this order.

4) That on such deposit being made by the Insurance company, the respondents/claimants are permitted to withdraw their respective shares as per the ratio fixed by the Tribunal with proportionate interest and costs, on filing of proper petition before the Tribunal, less any amount, if already withdrawn by them.

5) That the claimants be and hereby are not entitled for interest for the default period, if there is any default.

6) That there be no costs in this civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/09/2022

Sub Assistant Registrar (CS)

TO

The Motor Accident Claims Tribunal-Principal District Judge, Tiruchirappalli.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai

+ 1 cc TO Mr.D.Sivaraman, Advocate in SR No. 37880

ORDER DATED : 12/08/2022

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DECREE

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CMA(MD). No.1574 of 2011

While partly allowing the civil Miscellaneous appeal preferred against the judgment and decree dated 7/01/2010, made in M.C.O.P.No.109 of 2002 on the file of the Motor Accident Claims Tribunal Principal District Judge, Tiruchirappalli as stated within etc

SS/14/09/2022/ 2P 5C