



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD). No.813 of 2019

Divisional Manager,
M/s.National Insurance Co.Ltd.
No.3 North Veli Street,
Madurai District.

... Appellant/Respondent No.2

Vs

1 R.Vimaladevi, ...1st Respondent/Petitioner

2 S.Jamal Maideen, ...2nd Respondent/Respondent No.1

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree passed in MCOP.No.942/2015 dated 04/12/2018 on the file of the Motor Accident Claims Tribunal cum Special Subordinate Judge(MCOP Cases), Madurai.

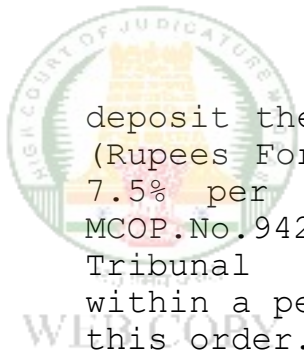
DECREE:-

This Civil Miscellaneous Appeal having come up for final 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.R.GOWRI SANKAR, Advocate for the first Respondent, and Mr.A.Syed Abdul Kadhar, Advocate for the 2nd Respondent and this Court while allowing the Appeal in part and modified the liability alone passed by the Tribunal below this Court doth order and decree as follows:-

(1) That the Quantum of compensation awarded by the Tribunal be and hereby upheld.

(2) That the Appeallant herein /Insurance Company be and hereby directed to 'pay' the compensation to the first respondent/Claimant and then recover the same from the owner of the Car bearing Registration No.TN 59 V 2209.

<https://hccs.judges.gov.in/hccs/Ass/> (3) That the Appeallant /Insurance company be and hereby directed to



deposit the compensation awarded by the Tribunal. i.e., Rs.40,000/- (Rupees Forty Thousand Only) together with the interest at the rate 7.5% per annum (if not already deposited) to the credit of MCOP.No.942 of 2015, on the file of the Motor Accident Claims Tribunal cum Special Subordinate Judge, (MCOP Cased), Madurai, 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 present appellant, the first respondent/claimant be and hereby permitted to withdraw the same in the manner known to law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal
cum Special Subordinate Judge,
(MCOP Cased), Madurai

Copy to:

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

ORDER DATED : 26/04/2022

=====

DECREE

=====

CMA(MD). No.813 of 2019

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against judgment and decree passed in MCOP.No.942/2015 dated 04/12/2018 on the file of the Motor Accident Claims Tribunal cum Special Subordinate Judge(MCOP Cases), Madurai. Etc as stated within.

RD(01.06.2022) 2P 4C