



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

Thursday, the Twenty Seventh day of January Two Thousand Twenty Two
PRESENT

The Hon`ble Mrs.Justice **R.THARANI**
CMA(MD). No.1073 of 2014

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THE ORIENTAL INSURANCE COMPANY LTD.,
73/B-1, SALAI ROAD, LAKSHMI COMPLEX,
THILLAI NAGAR, TRICHY-18.

... Appellant/Respondent No.2

Vs

1. P.NALLU

... 1st Respondent/Petitioner

2. K.SELVAKUMAR

... 2nd Respondent/Respondent No.1

Prayer :-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order of the Motor Accident Claims Tribunal, (Special Subordinate Judge), Trichy, made in MCOP. NO.1053 of 2013 dated 28/02/2014.

Decree:

This Civil Miscellaneous Appeal having come up for final hearing on 8th day of September 2021, upon perusing the grounds of Appeal the order of the Tribunal and the material papers of the appeal and upon hearing the arguments of Mr.C. Jawahar Ravindran, Advocate for the Appellant, and Mr.N. Sudhagarnagraj, Advocate for the 1st Respondent, and Mr. Arun, advocate for the 2nd respondent, and having stood over for consideration till this day, while partly allowing this appeal this Court doth order and decree as follows:-

i) that the award of the Motor Accident Claims Tribunal, (Special Subordinate Judge), Trichy, made in MCOP. NO.1053 of 2013 dated 28/02/2014 be and hereby is reduced from Rs.6,40,700/- to Rs.4,88,500/- (Rupees Four lakhs eithty eight thousand five hundred only),

ii) that the Appellant/Insurance Company be and hereby is directed to deposit a sum of Rs.4,88,500/- (Rupees Four lakhs eithty eight thousand five hundred only) along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit and cost within a period of eitht weeks from the date of receipt of a copy of the judgment, herein if not already deposited, less the amount deposited, if any,

iii) that on such deposit being made, the first



respondent/claimant be and hereby is permitted to withdraw the entire award amount, less the amount already withdrawn, if any.

iv) that excess amount if any, shall be refunded to the appellant/Insurance Company.

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v) that the Claimant is not entitled for interest for the default period, if there is any default.

vi) that there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To
The Motor Accident Claims Tribunal,
The Special Subordinate Judge,
Trichy.

Copy to:

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

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-2867 dated 28/01/2022)

ORDER DATED : 27/01/2022

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DECREE

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CMA(MD). No.1073 of 2014

Nature of Decree:Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal, (Special Subordinate Judge), Trichy, passed in MCOP. NO.1053 of 2013 dated 28/02/2014, etc.,as stated within.

RK(18/02/2022) 2P 5C