



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Thursday, the Tenth day of March Two Thousand Twenty Two
PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
CMA(MD). No.901 of 2018

WEB COPY

SURESH BABU

... Appellant/Petitioner No.2

Vs

1 UMA DEVI

2 ELANGO

3 EZHILARASI

... Respondents 1 to 3/Claimants

4 RAHAMADULLAH,

5 THE BRANCH MANAGER
NATIONAL INSURANCE CO.LTD.
7/1 SOUTH CAR ST.,
SIVAKASI,
VIRUDHUNAGAR DT

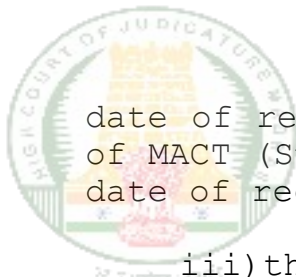
... Respondent 4 & 5/Respondents 1 &3

Prayer :- Civil Miscellaneous Petition filed under Section 173 of Motor Vehicle Act to SET ASIDE the impugned award passed in M.C.O.P. No. 36 of 2013, on the file of MACT (Sub Court Sivakasi, dated 30.08.2017, and pass any other order deem fit to the facts and circumstances of the case and thus render justice.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, 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.M.Jothi Basu, Advocate for the Appellant and Mrs.Uma Devi, Advocate, for N.Dilip Kumar, Advocate for 1 to 3 Respondents, Mr. A.Elango, Advocate for 5th Respondent, and while modifying the award of the tribunal and Partly Allowing the appeal, this Court doth order and decree as follows:-

i)That the award passed in M.C.O.P. No. 36 of 2013, on the file of MACT (Sub Court Sivakasi), dated 30.08.2017, be and hereby is modified by reducing the compensation/award amount from Rs.8,15,000/- to Rs.5,87,400/- (Rupees Five lakhs eighty seven thousand and four hundred only) and this Civil Miscellaneous Appeal be and hereby is Partly Allowed;

ii)that the appellant herein/owner of the vehicle and the third respondent/driver of the offending vehicle be and hereby directed to deposit the modified compensation award amount, i.e., Rs.5,87,400/- jointly or severally, together with interest at the rate of 7.5% per annum(if not already deposited), from the date of petition till the



date of realisation to the credit of MCOP No.36 of 2013, on the file of MACT (Sub Court Sivakasi), within a period of eight weeks from the date of receipt of a copy of this order;

iii) that on such deposit being made, the Respondents 1 to 3 herein/claimants be and hereby permitted to withdraw the same as apportioned by the Tribunal, less the award amount, if any already withdrawn, after following due process of law;

iv) that the Tribunal be and hereby directed to refund the excess award amount, if any, already deposited with accrued interest to the depositor;

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TO

The Sub Judge, Motor Accident Claims Tribunal,
Sivakasi,

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-11277 dated 10/03/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-11369 dated 10/03/2022)

+1 CC to M/s.A.ILANGO, Advocate (SR-11127 dated 10/03/2022)

ORDER DATED : 10/03/2022

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DECREE

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CMA(MD). No.901 of 2018

Partly Allowing the CMA(MD). No.901 of 2018 preferred against **impugned award passed in M.C.O.P. No. 36 of 2013, on the file of MACT (Sub Court Sivakasi, dated 30.08.2017, etc. as stated within.**

RK(03/06/2022) 2P 7C

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