



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the Twenty Fourth day of March Two Thousand Twenty Three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.633 of 2019

The Branch Manager,
New India Assurance Company Ltd.,
T.S.No.1817, Neela South Road,
Nagapattinam Kaspas and District. ... Appellant/2nd Respondent

Vs

1. Muthamizhan ...1st Respondent/Petitioner(Claimant)
2. Senthilkumar ...2nd Respondent/1st Respondent

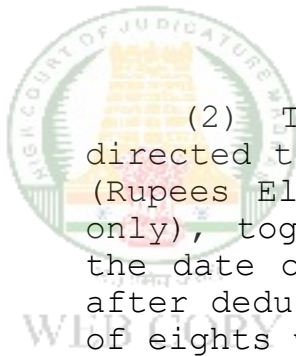
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal/III Additional District and Sessions Judge, Thanjavur at Pattukottai, dated 28-02-2019 made in M.C.O.P.No.18 of 2018.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday, the Twenty Second day of February, Two Thousand and Twenty Three, 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.MALAICHAMY, Advocate for the Appellant and of Mr.S.DEENADHAYALAN, Advocate for the 1st respondent and the 2nd respondent has not appeared either in person or by an advocate, having stood over for consideration till this date, this Court while modifying the award of the Tribunal and allowing the appeal in part, doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal/III Additional District and Sessions Judge, Thanjavur at Pattukottai, dated 28-02-2019 made in M.C.O.P.No.18 of 2018 be and hereby is reduced from Rs.15,83,237/- to Rs.11,74,620/- (Rupees Eleven Lakhs, Seventy Four Thousand Six Hundred and Twenty only);



(2) That the Appellant/Insurance Company be and is directed to deposit the amount entire compensation of Rs.11,74,620/- (Rupees Eleven Lakhs, Seventy Four Thousand Six Hundred and Twenty only), 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 after deducting the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order;

(*) (3) that the Appellant here in Insurance company be and is here by permitted to recover the amount from the owner of the vehicle.

(4) that, on such deposit being made, the claimant be and are hereby permitted to withdraw the entire award amount so deposited, with accrued interest and costs, after filling proper petition before the Tribunal less any amount, if already withdrawn by him.

(5) that, the Tribunal be and hereby is directed to refund the excess award amount, if any, to the appellant Insurance Company and

(6) that, there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS I)

(*) Corrected as per the order of this Court dated.24/04/2023 made in CMA(MD)No.633/2019.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

LS

(*) To be substituted to the decree already despatched on 20/04/2023.

To

1.The III Additional District and Sessions Judge/
Motor Accidents Claims Tribunal-
Thanjavur at Pattukottai.

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

<https://www.mhc.tn.gov.in/judis>



Madurai. (2 COPIES)

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-17420[F] dated 24/03/2023)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-17705[F] dated 27/03/2023)

ORDER DATED : 24/03/2023

DECREE

CMA(MD) . No.633 of 2019

Nature of Decree:-

Allowing the Civil
Miscellaneous Appeal in
part preferred against
the judgment and decree
of the Motor Accidents
Claims Tribunal/III
Additional District and
Sessions Judge, Thanjavur
at Pattukottai, dated
28-02-2019 made in
M.C.O.P.No.18 of 2018 as
stated within.

SI/(18.04.2023) 3P/ 6C