



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty First day of March Two Thousand
and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD)No.221 of 2014

New India Assurance Company Ltd.,
Attangal,
rep. by its Branch Manager,
Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District. Appellant/3rd Respondent

Vs

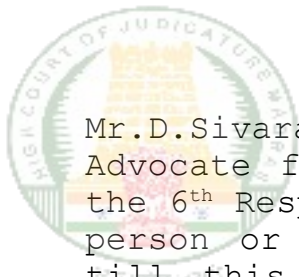
1.M.Rajesh ... 1st Respondent/Petitioner
2.Sudhamani
3.P.Prasath
4.Procurator,
Diocese of Marthandam,
Bishop House, Marthandam-629 165,
Kanyakumari District. ...

5.Rev.FR.Celestin ...

6.United India Insurance Company Ltd.,
rep. by its Branch Manager,
Nagercoil, Nagercoil Village,
Agastheeswaram Taluk,
Kanyakumari District.
... Respondents 2 to 6/ Respondents 1,2 and 4 to 6

Prayer:- This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed by the Motor Accident Claims Tribunal/I Additional Sub Court, Nagercoil, in M.C.O.P.No.53 of 2005 dated 26.09.2012.

Decree: This Civil Miscellaneous Appeal coming up for final hearing on Friday the Fourth day of November Two Thousand and Twenty Two, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers of the Appeal and upon hearing the arguments of



Mr.D.Sivaraman, Advocate for the Appellant, and of Mr.R.murugan, Advocate for the 1st Respondent and of Mr.J.S.Murali, Advocate for the 6th Respondent and Respondents 2 to 5 have not appeared either in person or by an Advocate and 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:-

i)that the award of the Motor Accident Claims Tribunal/I Additional Sub Court, Nagercoil, in M.C.O.P.No.53 of 2005 dated 26.09.2012 be and hereby is reduced to Rs.1,00,750/- (Rupees One Lakh and Seven Hundred and Fifty only) from Rs.1,30,750/-;

ii)that, the Appellant herein/Insurance Company be and hereby is directed to deposit the entire compensation of Rs.Rs.1,00,750/- (Rupees One Lakh and Seven Hundred and Fifty only) (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 with costs to the credit of M.C.O.P.No.53 of 2005 on the file of the Motor Accident Claims Tribunal/ I Additional Sub Court, Nagercoil, within a period of eight weeks from the date of receipt of a copy of this order;

iii) that, the Appellant herein/Insurance Company be and hereby is permitted to recover the same from the owner of the vehicle;

iv) that, on such deposit being made by the appellant, the first respondent/Claimant be and hereby is permitted to withdraw the entire award amount of Rs.Rs.1,00,750/- (Rupees One Lakh and Seven Hundred and Fifty only) with proportionate interest and cost;

v) That, the claimant is not entitled to interest for the default period, if there is any;

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

PNN

To

1.The Subordinate Judge,

Motor Accident Claims Tribunal/ I Additional Sub Court,
Nagercoil.

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



2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-16523[F] dated 21/03/2023)
+1 CC to M/s.R.MURUGAN, Advocate (SR-16531[F] dated 21/03/2023)
+1 CC to M/s.J.S.MURALI, Advocate (SR-16853[F] dated 23/03/2023)

ORDER DATED : 21/03/2023

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DECREE

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CMA (MD) . No.221 of 2014

Nature of Decree:

Allowing the Civil
Miscellaneous Appeal in
part preferred against
judgment and decree of
the Motor Accident
Claims Tribunal/I
Additional Sub Court,
Nagercoil, in
M.C.O.P.No.53 of 2005
dated 26.09.2012 etc.,
as stated within.

SI/(25.04.2023) 3P/ 7C