



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Second day of February Two Thousand Twenty Three

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND
The Hon`ble Mr.Justice SUNDER MOHAN

CMA(MD) . No.15 of 2015

THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
PROMENADE ROAD, CANTONMENT,
TRICHY-620 001.
(POLICY NO.650001/31/10/6200004276) .

... Appellant / 2nd Respondent

-Vs-

1 MINOR.DINESH,
S/O.SEKAR, (REP. THROUGH HIS MOTHER R2) .

2 DURGESHWARI,
D/O.RENGASAMY,

3 KAVITHA,
D/O.SEKAR,

4 SEENIVASAN,
S/O.RENGASAMY,

5 SAKUNTHALA,
W/O.SEENIVASAN,

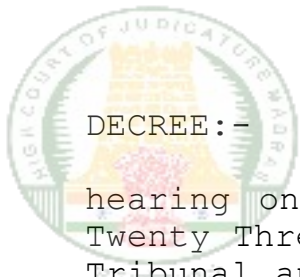
... 1 to 5 Respondents / Claimants

6 RAJA,
S/O.NARAYANAN,

... 6th Respondent / 1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree in M.C.O.P.No.175 of 2012, dated, 31.07.2014 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Pudukottai.



DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Friday, the Twenty Seventh day of January Two Thousand Twenty Three, 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.J.S.MURALI, Advocate for the Appeallant and of MR.N.KAMESH, Advocate for the Respondents 1 to 5 and of Respondent 6 set exparte before the Tribunal below and having stoodover for consideration till this day, this Court while Allowing the Civil Miscellaneous Appeal in part, doth order and decree as follows,

(1) That the award passed in M.C.O.P.No.175 of 2012, dated, 31.07.2014 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Pudukottai be and hereby is reduced to Rs.25,47,215/- (Rupees Twenty five lakhs fourty seven thousand two hundred and fifteen only) from Rs.30,18,586/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit;

(2) that the Appeallant herein / Insurance Company be and hereby is directed to deposit the award amount now determined by this Court along with interest and costs, less the amount already deposited any, within a period of six weeks from the date of receipt of a copy of the Judgment ;

(3) that on such deposit being made, Respondents 2,3,4 and 5 herein / Major Claimants be and hereby are permitted to withdraw their respective share of the award amount now determined by this Court, as per ratio of apportionment fixed by the Tribunal below along with proportionate interest and costs, after adjusting the amount if any, already withdrawn;

(4) that on such deposit being made, the share of the 1st Respondent herein / Minor Claimant be and hereby is directed to deposit in any one of the Nationalised Banks till the minor attains majority;

(5) that the 2nd Respondent herein /Mother of the minor Claimant be and hereby is permitted to withdraw the accrued interest once in three months for the welfare of the 1st Respondent herein / Minor Claimant;

(6) that the Appellant herein / Insurance Company be and hereby is permitted to withdraw the excess amount lying in the deposit the credit of M.C.O.P.No.175 of 2012, on the file of the Motor Accidents Claims Tribunal, Principal District Court, Pudukottai, if the entire award amount has already been deposited by them and



(5) that there be no costs in this Civil Miscellaneous
Sd/-

Assistant Registrar(CS-I)

// True Copy //

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/02/2023

Sub Assistant Registrar(CS)

DK/SKN

To

1.The Principal District Judge,
Motor Accident Claims Tribunal
Pudukottai.

Copy to:

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

+1 CC to M/s.R.DEVARAJ, Advocate (SR-5671[F] dated 02/02/2023)

+1 CC to M/s.J.S.MURALI, Advocate (SR-6039[F] dated 03/02/2023)

ORDER DATED : 02/02/2023

+ Judgment

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DECREE

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CMA(MD). No.15 of 2015

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree in M.C.O.P.No.175 of 2012, dated, 31.07.2014 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Pudukottai, etc., as stated within.

SI (21.02.2023) 3P 6C

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