



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

Thursday, the Sixteenth day of March Two Thousand and Twenty Three

WEB COPY

PRESENT

THE HONOURABLE MR. JUSTICE R. VIJAYAKUMAR

C.M.A.(MD). No.1002 of 2017

The New India Assurance Co. Ltd.,
D.No. 182/22, S.N. High Road,
Opposite to Central Thater,
Tirunelveli.

Appellant / 4th Respondent
Vs

1. Poomari	
2. Sundara Rajan	
3. Sornam	
4. Jaya	
5. Sollamutu	1 to 5 Respondents / Petitioners 1 to 5
6. Petchipandi	
7. K. Ganapathy	
8. G.K. Radha	6 to 8 Respondents / Respondents 1 to 3
9. Ramasubramanian	9 th Respondent / 5 th Respondent

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 09/03/2017 made in M.C.O.P. No.33 of 2012, on the file of the Additional Motor Accident Claims Tribunal/ Additional Subordinate Court, Tenkasi.

DECREE:-This Civil Miscellaneous Appeal having come up for final hearing on this day; 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. N. Dilip Kumar, Advocate for the Appellant, Mr. R.J. Karthick, Advocate for the respondents 1 to 4 and the 9th respondent having not appearing either in person or through a Counsel; this Court while allowing the Appeal in part and modifying the award of the Tribunal; doth order and decree as follows:-

1. That the award dated 09/03/2017 made in M.C.O.P. No.33 of 2012, on the file of the Additional Motor Accident Claims Tribunal/ Additional Subordinate Court, Tenkasi be and is hereby reduced from Rs. 10,51,000/- (Rupees Ten lakhs and Fifty one thousand only) to Rs.7,88,250/- (Rupees Seven lakhs Eighty Eight thousand Two hundred and Fifty only);



2. That the appellant herein/ Insurance Company be is hereby permitted to withdraw the balance amount of Rs.2,62,750/- (Rupees Two lakhs Sixty two thousand seven hundred and fifty only) along with accrued interest, as the entire award amount has been deposited alongwith accrued interest.

3. That the award amount now ordered shall be apportioned as per the apportionment mentioned by the tribunal; and

4. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar ()

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

To

The Additional Motor Accident Claims Tribunal/
Additional Subordinate Judge,
Tenkasi.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-16257[F] dated 20/03/2023)

ORDER DATED 16.03.2023

DECREE

+

JUDGMENT

C.M.A.(MD) No.1002 of 2017

Allowing the Civil Miscellaneous Appeal in part filed against the award dated 09/03/2017 made in M.C.O.P. No.33 of 2012, on the file of the Additional Motor Accident Claims Tribunal/ Additional Subordinate Court, Tenkasi etc., as stated within.

SI/ (12.06.2023) 2P/ 5C

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