



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Seventh day of March Two Thousand Twenty Three

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PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMA(MD). No.805 of 2017

THE NEW INDIA ASSURANCE CO.LTD.,
NO.182/22/L, S.N.HIGH ROAD,
TIRUNELVELI.

... Appellant / 2nd Respondent

-Vs-

1 GURUSAMY ... 1st Respondent / Claimant
2 K.VIJAYAKUMAR

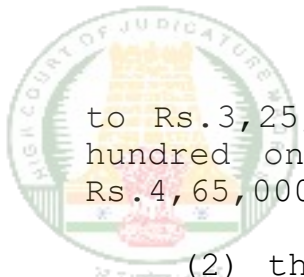
3 TATA AIG GENERAL INSURANCE
CO. LTD., REGD OFFICE AT PENINSULA CORPORATE,
PARK TOWER 9TH FLOOR, GANPATRAO KADAM MARG,,
LOWER PAREL, MUMBAI.

... 2&3 Respondents / 1&3 Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree made in MCOP.No.1089 of 2013, dated.17.10.2016 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirunelveli, regarding liability of appellant.

This Civil Miscellaneous Appeal having come up for final hearing on Thursday the Sixteenth day of March Two thousand and 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.S.LAKSHMANAN, Advocate for the Appellant and of MR.R.JIM, Advocate for the 1st Respondent and of MR.B.VIJAY KARTHIKEYAN, Advocate for the 3rd Respondent and the 2nd Respondent having not appeared either in person or by an Advocate and having stoodover for consideration till this day and this Court while allowing this Civil Miscellaneous Appeal in part, doth order and decree as follows,

(1) That the award made in MCOP.No.1089 of 2013, dated.17.10.2016 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirunelveli. be and is hereby reduced



to Rs.3,25,,500/- (Rupees Three lakhs twenty five thousand and five hundred only) with interest at the rate of 7.5% per annum from Rs.4,65,000/- as awarded by the Tribunal below;

(2) that the Appellant herein/Insurance Company be and hereby is directed to deposit the award amount of Rs. 3,25,,500/- (Rupees Three lakhs twenty five thousand and five hundred only) with interest at the rate of 7.5% per annum from 25.11.2013 till the date of realisation;

(3) that the Tribunal below be and hereby is directed to refund the excess amount if any deposited by the Insurance Company with accrued interest; and that in all other respects, the award passed by the Tribunal be and is hereby conformed.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

To

The Motor Accident Claims Tribunal
(Special Subordinate Judge),
Tirunelveli.

Copy to:

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

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-17507[F] dated 27/03/2023)



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CMA(MD)



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ORDER DATED : 27/03

+ Judgment

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DECREE

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CMA (MD) . No.805 of 2017

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part to set aside the Judgment and Decree made in MCOP.No.1089 of 2013, dated.17.10.2016 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirunelveli., etc as stated with in.

SI/(12.06.2023) 3P/ 5C