



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

Tuesday, the Fifteenth day of December Two Thousand Fifteen

PRESENT

THE HON`BLE MR.JUSTICE T.MATHIVANAN

WEB COPY

CMA(MD) No.884 of 2015

The Oriental Insurance Company Limited,
Rep. By its Branch Manager,
Sri Vijay Complex 2nd Floor,
Theni Town, Theni Taluk,
Theni District. .. Appellant/2nd Respondent

Vs.

1.Sumathi

2.Sivaneshkumar

3.Minor Sivabhuvanadevi ..1st to 3rd Respondents/1st to 3rd
Petitioners

(3rd Respondent rep.by her mother
and next friend, 1st Respondent Sumathi)

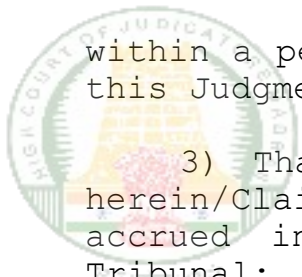
4.K.Ravi ..4th Respondent/1st Respondent
(4th Respondent remained exparte Before
the lower Court)

Appeal against the Judgment and Decree of the Motor
Accidents Claims Tribunal cum Sub Judge, Uthamapalayam dated
13/04/2015 and made in M.C.O.P.No.36 of 2013

DECREE : This Appeal coming on for hearing on this day and upon
perusing the grounds of Appeal, the order of the Lower Court,
Material records of this case and upon hearing the arguments of the
Appellant and of Mr.A.Haja Mohideen, Advocate for the Respondent 1
to 3 and the 4th Respondent not appeared either in person or through
this counsel, this court whole disposing this Appeal with Partial
Modification of the award of the Tribunal below, doth order and
decree as follows :-

1) That the Respondents 1 to 3 herein /Claimants be and hereby
are entitled to get a sum of Rs.16,69,368/- (Rupees Sixteen Lakhs
Sixty nine thousand three hundred and sixty eight only) after
deducting a sum of Rs.1,00,000/- (Rupees One Lakh only) from the
total amount ;

2) That the Appellant herein/Insurance Company be and hereby is
directed to deposit the entire amount of Rs.16,69,368/- less the
amount, if any already deposited, with interest at the rate of 7.5%
per annum from the date of claim petition Till the date of deposit



within a period of four weeks from the date of receipt of a copy of this Judgment;

3) That on such deposit being made, the Respondents 1 to 3 herein/Claimants are entitled to withdraw the entire amount with accrued interest and costs as per the ratio allotted by the Tribunal;

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

sd/-
15/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE MOTOR ACCIDENT CLAIMS
TRIBUNAL CUM SUBORDINATE JUDGE
UTHAMAPALAYAM

+1CC to Mr.K.Bhaskaran Advocate Sr.No.71782
+1CC to Mr.A.Haja Mohideen Advocate Sr.No.71749

Copy to :
The Section Officer, VR Section,
Madurai Bench of Madras High court,
Madurai.

GJM/NGM/SS/SAR-II-8.1.16-2p-5C

DATED : 15/12/2015
DECREE
IN
CMA(MD) No.884 of 2015

Nature of the DECREE Disposing the Appeal with Modification preferred against the decree and Judgment dated 13/04/2015 made in M.c.O.P.No.36 of 2013 on the file of the Motor Accidents Claims Tribunal cum Sub Judge, Uthamapalayam, etc., as stated within.