



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Seventh day of December Two Thousand and Sixteen

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A (MD) No.1074 of 2015
and
Cross Objection (MD) No.24 of 2016
in
C.M.A. (MD) No.1074 of 2015

M/s.Oriental Insurance Company Limited,
represented through its
Divisional Manager,
Office at Door No.16,
North Veli Street,
K.J.R.Complex,
Madurai - 625 001.

... Appellant in CMA/
2nd Respondent in Cross Objection /
2nd Respondent

Vs.

1.S.Venkateswari
2.S.Kumaran Pothiraj
3.S.Ganesh Nagaraj

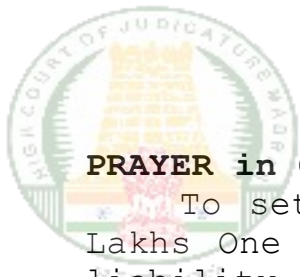
... Respondents 1 to 3 in CMA /
Cross Objectors in Cross Objection /
Petitioners 1 to 3

4. Thirumurugan Agency,
represented by its
Sole Proprietor,
S.Sethu Parwathi

... 4th Respondent in CMA/
2nd Respondent in Cross Objection /
1st Respondent

5. M/s.Tamil Nadu State (Anna)
Transport Corporation Limited,
represented by its
Managing Director,
Office at Johnsonpettai Branch,
Salem.

... 5th Respondent in CMA /
3rd Respondent in Cross Objection /
3rd Respondent

**PRAYER in CMA(MD)1074/2015 and Cross Objection(MD)No.24 of 2016:**

To set aside the Award of Rs.39,01,592/- (Rupees Thirty Nine Lakhs One Thousand Five Hundred and Ninety Two Only) (50% of the liability for appellant of Rs.19,50,796) passed in MCOP.No.127 of 2009, dated 25.11.2014, on the file of the Motor Accident Claims Tribunal cum IV Additional District Judge, Madurai.

DECREE: This Civil Miscellaneous Appeal and Cross Objection coming on for hearing on this day upon perusing the Grounds of Appeal and Cross Objection, the Judgment and Decree of the Lower Court and the material papers in this appeal and upon hearing the arguments of MR.K.BHASKARAN, Advocate for the appellant in CMA/1st respondent in Cross Objection and MR.G.VENUGOPAL, for MR.M.P.SENTHIL, Advocates for the Respondents 1 to 3 in CMA / and for Cross Objectors and of MR.M.PRAKASH, Advocate for the 5th respondent in CMA/3rd Respondent in Cross Objection and the 4th respondent in CMA / 2nd respondent in Cross Objection has not appeared either in person or by an Advocate, this Court while disposing the Civil Miscellaneous Appeal and in Modification of the award passed by the Tribunal and allowing the Cross Objection in part, and this Court doth order and decree as follows:-

1. that the respondents 1 to 3/Claimants 1 to 3 be and hereby are entitled to the total compensation of Rs.48,52,600/- (Rupees forty eight lakhs fifty two thousand and six hundred only) with interest at the rate of 7.5% per annum from the date of petition till date of realisation;

2. that the appellant/Insurance Company as well as the fifth respondent Corporation be and hereby are directed to pay the award amount at the rate of 50% each;

3. that out of a sum of Rs.48,52,600/- (Rupees forty eight lakhs fifty two thousand and six hundred only) the first respondent herein / first Cross Objector/ 1st Claimant be and hereby is entitled to a sum of Rs.30,00,000/- (Rupees thirty lakhs only).

4. that the respondents 2 and 3 herein/ Cross objectors 2 & 3/ Claimants 2 & 3 be and hereby are entitled to a sum of Rs.9,26,300/- (Rupees nine lakhs twenty six thousand and three hundred only) each, and the time for deposit of the balance amount is ten weeks from the date of receipt of a copy of this Judgment.

5. that there be and hereby no costs.

Sd/

Assistant Registrar(C.O,)



To

The Motor Accident Claims Tribunal - IV Additional District Court,
Madurai.

Copy to: The Record Keeper, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.K.Bhaskaran, Advocate, in SR No.79924.

+1cc to M/s.M.P.Senthil, Advocate, in SR No.79929.

+1cc to M/s.M.Prakash, Advocate, in SR No.79811.

ORDER DATED : 07.12.2016

DECREE

C.M.A(MD)NO.1074 OF 2015

AND

CROSS OBJ.(MD)NO.24 OF 2016

Nature of DECREE: Disposing of this Civil Miscellaneous Appeal and partly allowing the Cross Objection by modification of the Judgment and Decree passed by the Lower Court in MCOP.No.127/2009 dated 25.11.2014, on the file of Motor Accident Claims Tribunal/IV Additional District Judge, Madurai.

rsb

msm-jm/07.02.17/p3/6c