



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

Tuesday, the Eighth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

WEB COPY

CMA(MD) No.1137 of 2015

The Oriental Insurance Company Limited,
Office at 39/40, Saratha Shopping Complex,
Simmakkal,
Madurai - 625 001.

.. Appellant/2nd Respondent

-Vs-

1.Santhanalakshmi
2.Ramalakshmi
3.Sankaranarayanan
4.Radha
5.Sathiya
6.Thilagavathi

.. Respondents 1 to 6/Petitioners 1 to 6

7.S.K.AR.SM.Ramanathan Chettiar

.. 7th Respondent/1st Respondent

(R - 7 remained ex-parte before
the lower Court)

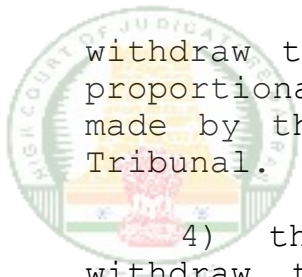
Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 19.02.2015 made in M.C.O.P.No.139 of 2014 on the file of the Motor Accident Claims Tribunal cum District Judge, Sivagangai.

DECREE : This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in these Appeals and upon hearing the arguments of Mr.K.Bhaskaran, Advocate for the Appellant and Mr.N.Madhavagovindan, Advocate for the 1 to 6 respondents this Court while allowing the Appeal in part and in modification of the award of the tribunal below, doth order and decree as follows :

1) that the award dated 19.02.2015 MCOP.No.139 of 2014 passed by the Motor Accident Claims Tribunal -Cum- District Judge, Sivagangai, be and hereby modified and the Civil Miscellaneous Appeal is partly allowed.

2) that the quantum of compensation awarded by the Motor Accident Claims Tribunal-Cum-District Judge, Sivagangai, be and hereby reduced from Rs.7,65,000/- to Rs.7,07,000/- (Rupees Seven lakhs Seven thousand only) (i.e., Rs.58,000/- (reduced)).

3) that the Respondents 1 to 6/ Claimants 1 to 6 have already withdrawn 50% of the award amount, they are hereby permitted to



withdraw the balance amount as per the modified award along with proportionate interest and costs, as per the ratio of apportionment made by the Tribunal, by filing necessary application before the Tribunal.

4) that the appellant/Insurance Company is permitted to withdraw the remaining balance amount along with proportionate interest and costs, if any.

5. that there be and hereby no costs in this Civil Miscellaneous Appeal.

sd/-

Deputy Registrar (ADMN)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

To

The District Judge, The Motor Accident Claims Tribunal,
Sivagangai.

Copy To : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.K.Bhaskaran, Advocate Sr.No.66935

+1CC to Mr.N.Madhavagovindan, Advocate Sr.No.66897

GJM/GSV/PM/2.1.17-2p-5C

DECREE

IN

CMA(MD) No.1137 of 2015

Date :08/11/2016

Allowing the appeal in part preferred against the Judgment and decree of Motor Accident Claims Tribunal-Cum-District Judge, Sivagangai dated 19.02.2015 made in MCOP.No.139/2014 and etc., as stated within.