



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

Wednesday, the Twenty Eighth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Ms.Justice V.M.VELUMANI

CMA(MD) No.1374 of 2015

The HDFC ERGO General Insurance Co.,
Represented by its third party claim officer,
No.927, Second Floor, Metro Plaza,
Near Gurudev Motors,
Anna Salai,
Chennai.

... Appellant/2nd Respondent

Vs.

1.Jayanthi, W/o.Ayyapparaj ... 1st Respondent/Petitioner

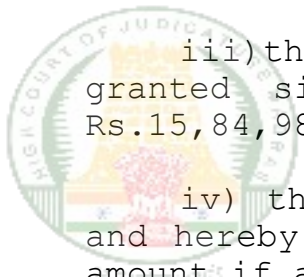
2.The Proprietor,
M/s.Velmurugan Transport Firm,
D.No.2, Melaponnagaram 8th Street,
Madurai Town,
Madurai District. ... 2nd Respondent /1st Respondent

Civil Miscellaneous Appeal against the decree and Judgment dated 18.10.2013 made in M.C.O.P.No.33/2012 on the file of the Motor Accidents Claims Tribunal Chief Judicial Magistrate, Theni.

DECREE : This Appeal coming on for hearing on this day upon perusing the grounds of Appeals, the order of the Lower Court, and the Material papers in the Appeal and upon hearing the arguments of Mr.G.Marathiah, Advocate for the Appellant and Mr.M.Vedasingh, Advocate for the Respondent No.I, this Court while allowing this appeal in part and in modification of award of the Tribunal below doth order and decree as follows :

i) that the Judgment and award passed by the Motor Accidents Claims Tribunal -Chief Judicial Magistrate, Theni, dated 18.10.2013 made in M.C.O.P.No.33/2012 be and hereby is partly allowed.

ii) that the award of the Tribunal below be an hereby modified and reduced from Rs.20,64,482 to Rs.15,84,982/- (Rupees Fifteen Lakhs eighty four thousand and nine hundred and eighty two only) with interest at 7.5% p.a., from the date of petition till the date of realisation.



iii) that the appellant/Insurance company is be and hereby granted six week time to deposit the compensation amount of Rs.15,84,982/- less the amount already deposited if any ;

iv) that on such deposit the first respondent /claimant and be and hereby permitted to withdraw the compensation amount, less the amount if any, already withdrawn.

v) that there be no order as to costs in this Civil Miscellaneous Appeal.

sd/-
Assistant Registrar (AS)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

smn2

To

1. The Court of Motor Accidents Claims Tribunal,
Chief Judicial Magistrate, Theni.

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

+1CC to Mr.G.Maruthiah, Advocate Sr.No.56860

+1CC to Mr.M.Vedasingh, Advocate Sr.No.56894

GJM/CK/17.11.16-2p-5C

DATED :28.09.2016
DECREE
IN
CMA(MD) No.1374 of 2015

Nature of DECREE : Allowing This appeal in part and in modification of the award of the Motor Accidents Claims Tribunal -Chief Judicial Magistrate, Theni date 18.10.2013 made in M.C.O.P.No.33/2012 and etc. as stated within.