



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

Tuesday, the Twentieth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

**C.M.A(MD)No.959 of 2014
and
CROSS OBJ(MD)NO.24 of 2014**

The United India Insurance Company,
represented by its Branch Manager,
Xavier Building II Floor, P.W.D.Road,
P.B.No.50, Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.

.. Appellant in CMA/1st Respondent
in Cross Objection

Vs

1.C.Sivalingam(died)
(RR-2 TO 6 ARE B/R AS LRS OF THE
DECEASED R1 VI.OR.DT.27/11/2014 MADE
IN MP(MD)NO.4/2014 IN CMA(MD)NO.959/2014 BY SVJ)

2.S.Rethna Bai

3.S.R.Vanaja

4.S.R.Girija

5.S.R.Jaya

6.S.R.Shylaja

...Respondents 1 to 6 in CMA/Cross
Objectors 1 to 6 in Cross Objection

7.Christudas

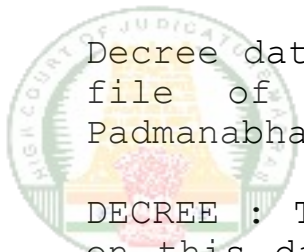
... Respondent 7 in CMA/2nd Respondent
in Cross Objection

8.P.George

...8th respondent in CMA/3rd Respondent/
in Cross Objection

9. S.Ponnian,

... 9th Respondent in CMA/4th Respondent
in Cross Objection



Decree dated 30.11.2012 passed in M.C.O.P.No.91 of 2008, on the file of the Motor Accident Claims Tribunal, Sub-Court, Padmanabhapuram.

WINDY BY
DECREE : This Appeal and Cross Objection coming on for hearing on this day upon perusing the Grounds of Appeal and the Cross Objection, the Judgment and Decree of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.A.Shajahan, Advocate for Appellant in CMA and 1st Respondent in Cross Objection and Mr.C.Sankar Prakash for Respondents 2 to 6 in CMA and Cross Objectors in Cross Objection, and M/S.C.Godwin, Advocate for 9th Respondent in CMA and 4th Respondent in Cross Objection this Court doth order and decree as follows :

1) that the Judgment and decree dated 30.11.2012 made in M.C.O.P.No.91 of 2008 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Padmanabhapuram be and are hereby confirmed and the Civil Miscellaneous Appeal is dismissed and Cross Objection is allowed ;

2) that the Compensation Awarded by the tribunal be and hereby is enhanced from Rs.8,82,000/- to Rs.15,47,000/- of modified compensation.

3) that be rate of Interest at 7.5% awarded by the Tribunal remains unaltered.

4) that the appellant/Insurance Company who is Respondent 1 in Cross Objection be and is hereby directed to pay the enhanced award amount along with proportionate interest and costs by RTGS to the Respondents /Claimants within a period of four weeks from the date of receipt of a copy of this order ;

5) that the amount deposited before the Tribunal is directed to be paid to the claimants within a period of four weeks from the date of receipt of a copy of this order.

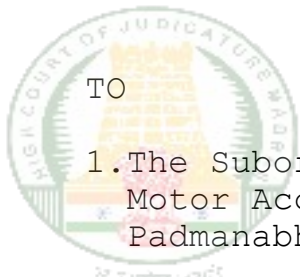
6) that there be no costs in this Civil Miscellaneous Appeal and Cross Objection.

sd/-

Assistant Registrar (CS-I)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)



TO

1. The Subordinate Judge,
Motor Accident Claims Tribunal,
Padmanabhapuram.

Copy To : The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/S.C.GODWIN, Advocate SR.No.82177

+1 cc to M/S.C.SANKAR PRAKASH, Advocate SR.No.82136

GJM/BS/SAR-2-30.3.17-3p-5c

DECREE

IN

CMA(MD) No.959 of 2014

and CROSS OBJECTION (MD)NO.24 OF 2014

Date :20/12/2016

Nature of the DECREE ; Dismissing
this Civil Miscellaneous Appeal and
Cross Objection allowed preferred
against Judgment and Decree Passed
by Motor Accident Claims Tribunal,
Sub Court, Padmanabhapuram made in
MCOP.No.91 of 2008 dated 30.11.2012
etc., as stated within.