



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Sixth day of November Two Thousand Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1128 of 2015

1.The United India Insurance Company Limited,
Erode, represented by its Branch Manager,
1170, Valli Complex, 2nd Floor,
151 A, Metty Road, Erode.

2.The United India Insurance Company Limited,
Mayiladuthurai, represented by its Branch Manager,
No.2 Road, Mayiladuthurai.

... Appellants

Vs.

1.Gomathi
2.Vaishnavi
3.Pitchaiyammal
4.Abdul Azeez

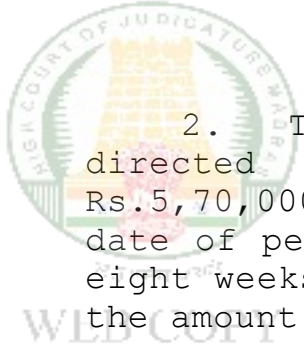
... Respondents

(R2 declared as major and guardian
stands discharged vide Court order
dated 27.04.2017 made in CMP(MD)No.
3273 of 2017 in CMA(MD)No.1128 of 2015)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 19.11.2013 made in M.C.O.P No.687 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Court, Kumbakonam.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day. Upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in this appeal and upon hearing the argument of Mr.J.S.Murali, Advocate for the Appellants and of Mr.S.Raja Prabhu, Advocate for the 1st and 2nd respondents and the R3 and R4 were set ex-parte, this court while partly allowing this appeal with modification, doth order and decree as follows:-

1. That the award dated 19.11.2013 made by the Motor Accident Claims Tribunal/ Additional Subordinate Court, Kumbakonam in M.C.O.P.No.687 of 2007 be and hereby is reduced from Rs.7,20,000/- to Rs.5,70,000/- (Rupees Five Lakhs and Seventy Thousand Only)



2. That the appellant insurance company be and hereby is directed to deposit the entire compensation amount of Rs.5,70,000/- with interest @ 7.5% per annum and costs from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any.

3. That on such deposit, the Respondents No.1 and 2 herein/Claimants, be and hereby are entitled to withdraw the same, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Additional Subordinate Judge,
Motor Accidents Claims Tribunal, Kumbakonam.

2.The Record Keeper, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO M/S.J.S.MURALI, ADVOCATE, SR NO.85614

+1CC TO M/S.S.RAJA PABHU, ADVOCATE, SR NO.85669

MS/JC/SAR.1/02.03.2018/2P.6C

ORDER DATED: 06.11.2017

DECREE

C.M.A(MD)No.1128 of 2015

Partly allowing this Civil Miscellaneous Appeal preferred against the award passed by the MACT/ Additional Subordinate Court, Kumbakonam in M.C.O.P.No.687 of 2007, dated 19.11.2013.