

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Thursday, the Twenty First day of December Two Thousand and Seventeen
PRESENT

The Hon`ble Mr. Justice G.R. SWAMINATHAN

CMA(MD) No.1314 of 2015

and

Cros.Obj(MD)No.31 of 2017

United India Insurance Company Limited,
Kumbakonam,
Rep.by its
Divisional Manager. ... Appellant in CMA(MD)No.1314 of 2015
& 1st respondent in Cros.Obj(MD)No.31 of 2017
/2nd Respondent

Vs.

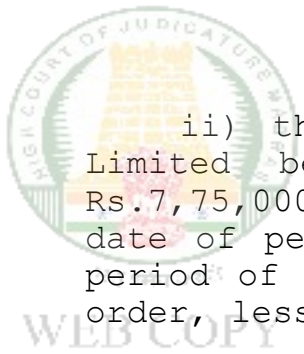
1. Senthil Kumar ... 1st respondent in
CMA(MD)No.1314 of 2015/Petitioner
& Cross Objector in
Cros.Obj(MD)No.31 of 2017

2. M.Saravanan
3. Ananth
4. The Oriental Insurance Co., Ltd,
Myladuthurai,
Rep.by its Branch Manager. ...2 to 4 respondents in
CMA and Cross Objection/
Respondents 1,3&4

Appeal filed under Section 173 of Motor Vehicles Act 1988 and the Cross Objection filed under order 41, Rule 22 of Civil Procedure Code, preferred against the award passed by the Principal Subordinate Judge, Motor Accident Claims Tribunal, Kumbakonam, dated 07.04.2015 made in MCOP.No.134 of 2013.

DECREE: This Appeal and Cross Objection coming on for hearing on this day upon perusing the grounds of Appeal and Cross Objection the award of the Tribunal below and the material papers of the Appeal and upon hearing the arguments of Mr.A.S.Mathialagan, Advocate for the Appellant in CMA and 1st Respondent in Cross Objection and of Mr.Rajaprabhu, Advocate for the Cross Objectors in Cross Objection and the first respondent in Appeal and of Mr.K.Bhaskaran, Advocate for the 4th respondent in Appeal and Cross Objection and the respondents 2 and 3 in appeal and cross Objection not appeared either in person or by an Advocate, this court while allowing the Appeal in part and in modification of the award of the Tribunal below doth order and decree as follows:

i) that the award of compensation passed by the Principal Subordinate Judge, Motor Accident Claims Tribunal, Kumbakonam, dated 07.04.2015 made in MCOP.No.134 of 2013 be and hereby is reduced from a sum of Rs.8,46,395/- to a sum of Rs.7,75,000/- (Rupees Seven Lakhs and Seventy Five thousand only) and the Cross Objection is dismissed;



ii) that the appellant herein United India Insurance Company Limited be and hereby is directed to deposit the sum of Rs.7,75,000/-with interest at the rate of 7.5% per annum, from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any;

iii) that on such deposit, the claimant be and hereby is entitled to withdraw the same by way of filing proper application before the Tribunal, less the amount already withdrawn by him, if any and;

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

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Kumbakonam.

Copy to
The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.A.S.MATHIALAGAN, ADVOCATE IN SR No. 94405
+ 1 CC TO Mr.K.BHASKARAN, ADVOCATE IN SR No. 94437

TE/VB/JC/SAR-2 : 04.06.2018 : 2P/6C

DATED :21/12/2017
DECREE
CMA(MD) No.1314 of 2015
and
Cros.Obj(MD)No.31 of 2017

Allowing the Appeal and dismissing the Cross Objection preferred against the award passed by the Principal Subordinate Judge, Motor Accident Claims Tribunal, Kumbakonam, dated 07.04.2015 made in MCOP.No.134 of 2013 etc., as stated within.