



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

Wednesday, the Eighth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

WEB COPY

CMA(MD) No.46 of 2017

ICICI Lombard Motor Insurance Co. Ltd.,
through its
General Manager,
Office at Zenith House,
Keshavraokhada Marg,
Mahalakshmi,
Mumbai - 400 034.

... Appellant/2nd Respondent

Vs.

S.Gomathi (died)
1.S.Paripooranam
2.S.Nagarajan
3.S.Selvam

... Respondents 1 to 3/Petitioners

4.M.Balakrishnan

... 4th Respondent/1st Respondent

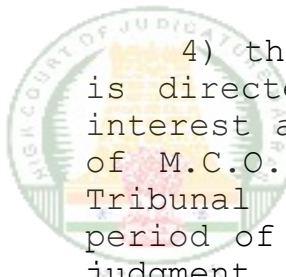
Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 12.07.2013, made in M.C.O.P.No.966 of 2009, by the Motor Accident Claims Tribunal - cum - I Additional District Court, Tirunelveli.

DECREE : This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court and the material papers relating to this case and upon hearing the arguments of M/S.K.R.Shiva Sankari for Mr.S.Srinivasa Raghavan, Advocate for the Appellant and of Mr.S.P.Maharajan, Advocate for the respondents 2 and 3 and this Court while dismissing this Appeal doth order and decree as follows :-

1) that the compensation Awarded by the Tribunal be and hereby is enhanced from Rs.7,61,500/- (Rupees Seven Lakhs Sixty one thousand five hundred only) to Rs.9,00,000/- (Rupees Nine Lakhs Only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs.

2) that the respondents 1 to 3/ Claimants herein be and hereby are entitled to a sum of Rs.3,00,000/- (Rupees Three Lakhs only) each along with accrued interest and proportionate costs.

3) that the respondents 1 to 3/Claimants herein be and hereby are directed to submit their Account details along with the copies of their passbooks to the Tribunal forthwith.



4) that the Appellant/Insurance company herein be and is hereby is directed to deposit the entire Award amount alongwith accrued interest and costs less the amount deposited, if any, to the credit of M.C.O.P.No.966/2009 on the file of the Motor Accident Claims Tribunal -Cum- I Additional District Court, Tirunelveli within a period of six weeks (6) from the date of receipt of a copy of this judgment.

5) that on such deposit, the Tribunal herein be and hereby is directed to transfer the respective share amounts of the respondents 1 to 3/Claimants directly to their respective personal savings Bank Account Numbers, through RTGS/NEFT system, after getting their Account details within a period of Two weeks (2) thereafter.

6) that the respondents 1 to 3/Claimants herein be and hereby and directed to pay the Additional Court Fees, if any, within a period of two (2) weeks from the date of receipt of a copy of this Judgment.

7) that there be no costs in this Appeal.

sd/-

Assistant Registrar (CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

To

1.The Motor Accident Claims Tribunal - cum -
I Additional District Judge, Tirunelveli.

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

+1CC to Mr.S.Srinivasa Raghavan, Advocate Sr.No.7430
+1CC to Mr.S.P.Maharajan, Advocate Sr.No.7138

GJM/CM/MSA/23.02.2017-2p-5c

DECREE

IN

CMA(MD) No.46 of 2017

Date :08/02/2017

Nature of DECREE : Dismissing this Appeal preferred against the Judgment and Decree dated 12.07.2013 made in M.C.O.P.No.966/2009 on the file of the Motor Accident Claims Tribunal - Cum- I Additional District Court, Tirunelveli etc., as stated within.