



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Fifth day of September Two Thousand and Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WEB COPY

CMA(MD) No.375 of 2016

- 1.Chinnathamani
- 2.Meiyathal
- 3.Sathivel
- 4.Meenal
- 5.Senthil Kumar
- 6.Pangavernam

... Appellants / Petitioners

Vs.

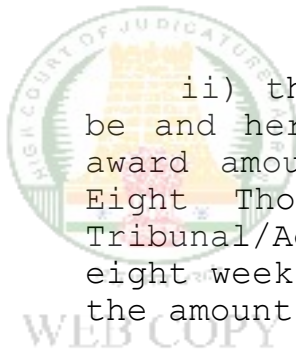
- 1.Shanmugam
- 2.The Branch Manager,
Cholamandalam,
M/s.General Insurance Co. Ltd.,
Thanjore.
- 3.Shanthi
- 4.The Branch Manager,
National Insurance Co. Ltd.,
Pudukottai.

...Respondents / Respondents

Civil Miscellaneous Appeal filed against the award and decree dated 27.08.2015 made in M.C.O.P.No.1/12 by the Motor Accident Claims Tribunal/Additional District Judge, Pudukkottai.

DECREE: This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and the Material papers in this Appeal, and upon hearing the arguments of Mr.R.Devaraj, Advocate for the Appellants and M/s.K.R.Shivasankari, Advocate for Mr.S.Srinivasa Raghavan, Advocate for the Second Respondent and Mr.D.Sivaraman, Advocate for the fourth respondent, first Respondent not appeared either in person or by an Advocate and as per order of this Court, the Counsel for Appellant has paid the excess court fees before the Tribunal and filed a memo dated 19.01.2018 in U.S.R.No.301 of 2018 and this Court while allowing the Appeal and modify the award passed by the tribunal below, doth order and decree as follows:-

i) that, the award of the Motor Accidents Claims Tribunal/Additional District Judge, Pudukkottai dated 27.08.2015 Made in M.C.O.P.No.1/2012 be and hereby is enhanced to 12,78,000/- (Rupees twelve lakhs seventy Eight thousand only) from Rs.7,71,000/- along with interest at the rate of 7.5% per annum from the date of Petition till date of realisation and proportionate costs.



ii) that the second Respondent herein/General Insurance Company be and hereby is directed to deposit their share of 85 % of the award amount of Rs.12,78,000/- (Rupees Twelve Lakhs and Seventy Eight Thousand only) to the credit of Motor Accident Claims Tribunal/Additional District Judge, Pudukkottai within a period of eight weeks from the date of receipt of a copy of the Judgment, less the amount already deposited if any.

iii) that on such deposit being made, the Appellants herein/Claimants be and hereby are permitted to withdraw their respective shares as apportioned by the Tribunal, with proportionate interests and costs, without filing any formal application before the Tribunal.

iv) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

The Additional District Judge,
The Motor Accident Claims Tribunal,
Pudukkottai.

Copy to:

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

+1cc to Mr.D.SIVARAMAN,Advocate, in SR.No. 76722
+1cc to Mr.S.SRINIVASA RAGHAVAN, Advocate in SR.No 76779
+1cc to Mr.R.DEVARAJ,Advocate in SR.No 76766

ORDER DATED :05/09/2017

DECREE

CMA(MD) No.375 of 2016

Nature of the DECREE: While allowing the Civil Miscellaneous Appeal and modifying the award passed by the tribunal preferred against the award of the Motor Accident Claims Tribunal-Additional District Judge, Pudukkottai dated 27.08.2015 made in M.C.O.P.No.1 of 2012.

AE/GT/SAR1/06.02.2018/2P/7C

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