



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, The Eighteenth day of December Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.M.A(MD)No.93 OF 2017

The Oriental Insurance Company Limited,
rep. By its Manager,
No.1858, South Main Street,
Thanjavur

... Appellant/2nd Respondent.

Vs.

1 Iqbal
2 Neesama Beevi

..Respondents 1 and 2/Petitioners 1 and 2

3.Karthikeyan
4.Manikandan

..3rd Respondent/1st Respondent.

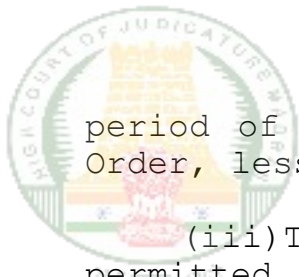
..4th Respondent/3rd Respondent.

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicle Act, 1988, against the Judgment and Decretal Order of the Motor Accidents Claims Tribunal(The Special District Court), Thanjavur, dated 21.09.2015 made in M.C.O.P.No.467 of 2011.

DECREE: This Appeal came up for hearing on Tuesday, the Eighth day of August, Two Thousand and Seventeen, upon perusing the grounds of Appeal, the order of the Lower Court and the material papers available in this case and upon hearing the arguments of Mr.K.Bhaskaran, Advocate for the Appellant, and of Mr.R.Edin Brough, Advocate for Respondents 1 and 2, and of Mr.S.Deenadhayalan, Advocate for the 3rd Respondent, and the 4th Respondent herein not appearing either in person or by Advocate, and having stood over for consideration till this day, while allowing the Appeal in part, this Court doth order and decree as follows:

(i)That the compensation amount of Rs.16,85,000/- (Rupees Sixteen Lakhs and Eighty Five Thousand Only) awarded under the Judgment and Decree dated 21.09.2015 in MCOP No.467 of 2011 on the file of the Motor Accidents Claims Tribunal(The Special District Court), Thanjavur be and hereby is modified to a sum of Rs.10,77,800/- (Rupees Ten Lakhs Seventy Seven Thousand and Eight Hundred Only);

(ii)That the Appellant/Insurance Company be and hereby is directed to deposit the entire modified compensation amount with interest at the rate of 7.5% per annum with costs to the credit of MCOP No.467 of 2011 on the file of the Tribunal below, 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 being made, the Claimants shall be permitted to withdraw their shares, as apportioned by the Tribunal below, less the amount already withdrawn by them if any;

(iv) That the Appellant/Insurance Company shall be permitted to withdraw the amount deposited excessively, if any;

(v) And that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To
The Special District Judge,
Motor Accidents Claims Tribunal (The Special District Court),
Thanjavur.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)

+1CC to Mr.S.Deenadhayalan, Advocate, SR.No. 93445

+2CC to Mr.K.Bhaskaran, Advocate, SR.No. 93322

+1CC to Mr.P.Edin Brough, Advocate, SR.No. 93690

DATED : 18.12.2017

DECREE

C.M.A(MD)No.93 of 2017

Nature of DECREE: Allowing the Appeal in part, preferred against the Judgment and Decree dated 21.09.2015 in MCOP No.467/2011 on the file of Motor Accident Claims Tribunal/Special District Court, Thanjavur and giving directions etc., as stated within.

AM/SV MMS/SAR 3/16.02.2018/2P/8C