



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CMA(MD)No.665 of 2015 and CMA(MD)No.825 of 2014

1.L.Govindammal

2.L.Veeralakshmi

3.L.Vimala

4.L.Kanniammal

5.L.Murugaperumal

6.V.Murugandi

7.M.Avudaiammal

... Appellants in CMA(MD)No.665 of 2015/
Respondents in CMA(MD)No.825 of 2014

M/s.Kulanthai Yesu Timber Diplo,
1/132-A, Main Road,
Kamanaickanpatti,
Kovilpatti Taluk.

...1st Respondent in CMA(MD)No.665 of 2015/
...8th Respondent in CMA(MD)No.825 of 2014

The Branch Manager,
New India Assurance Co., Ltd,
913, Main Road,
Kovilpatti - 1.

...2nd Respondent in CMA(MD)No.665 of 2015/
...Appellant in CMA(MD)No.825 of 2014

Common Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 have been filed against the judgment and decree dated 04.09.2013 made in MCOP.No.90 of 2013 on the file of the Motor Accident Claims Tribunal, 1st Additional District Court, Thoothukudi.

DECREE: These Civil Miscellaneous Appeals are coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.A.George Stephen Kanikkar, on behalf of Appellants in CMA(MD)No.665/2013 and respondents 1 to 7 in CMA(MD)No.825 of 2014 and of Mr.G.Prabhu Rajadurai, Advocate on behalf of the 2nd respondent in CMA(MD)No.665/2013 and Appellant in CMA(MD)No.825 of 2014 and of Mr.T.Selvakumaran, Advocate on behalf of 1st Respondent in CMA(MD)No.665/2013 and 8th respondent in CMA(MD)No.825 of 2014 and the appellants CMA(MD)No.625 of 2015 having paid a sum of Rs.320 towards the Additional Court fee, this Court while allowing the CMA(MD)No.625 of 2015 and dismissing CMA(MD)No.825 of 2014, doth order and decree as follows:

1. That the award dated 04.09.2013 made in MCOP No.90 of 2013 on the file of the Motor Accident Claims Tribunal/1st Additional District Court, Thoothukudi be and hereby is modified;



2. That the compensation amount be and hereby is enhanced from Rs.6,50,260/- to 8,82,220/- (Rupees Eight Lakhs Eighty Two Thousand Two Hundred and Twenty Only) to the Claimants;

3. That the New India Assurance Company herein/2nd respondent be and hereby is directed to deposit the sum of Rs.8,82,220/- (Rupees Eight Lakhs Eighty Two Thousand Two Hundred and Twenty Only) in MCOP No.90/2013 with interest at the rate of 7.5% per annum 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 being made, that the Claimant be and hereby are entitled to withdraw the same in the same ratio as laid down by the Tribunal, by filing proper application, less the amount already withdrawn by the Claimant, if any;

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

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The 1st Additional District Judge,
Motor Accident Claims Tribunal / Tuticorin.

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

+2 ccs to Mr.G.Prabhu Rajadurai, Advocate, SR.No.92050, 91717
+1CC to Mr.A.George Stephen Kanikkar, Advocate, SR.No. 92047

ORDER DATED : 08.12.2017

DECREE

CMA (MD) No.665 of 2015 and CMA (MD)
No.825 of 2014

Allowing the Civil Miscellaneous Appeal (MD) No.665/2015 and dismissing the CMA (MD) No.825/2014 preferred against the Judgment and Decree of the 1st Additional District Judge/Motor Accident Claims Tribunal, Thoothukudi dated 04/09/2013 made in MCOP No.90 of 2013 etc., as stated within.