



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Thursday, the Second day of November, Two Thousand and Seventeen
present

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CMA(MD)No.849 of 2015

The Branch Manager,
The Oriental Insurance Company Limited,
Theni Town,
Theni District.

... Appellant / 2nd Respondent

/Vs./

1.Sargunammal
2.Sivaramu
3.Minor.Rahini ... Respondents 1 to 3/Petitioners 1 to 3
(Respondent No.3 represented by 1st respondent herein)
4.Ayyappan ... 4th Respondent/Respondent No.1
5.Ganesan
(Respondent No.4 given up) ... 5th Respondent/Respondent No.3

Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 22.06.2012 and made in MCOP No.41 of 2011 on the file of the Motor Accidents Claims Tribunal cum Sub Court, Uthamapalayam.

DECREE:This Civil Miscellaneous Appeal coming for hearing on this day, and upon perusing the grounds of Appeal, the award of the Tribunal and the material papes to this Appeal and upon hearing the arguments of Mr.C.Jawahar Ravindran, Advocate for the Appellant, Mr.C.Guhan, Advocate for Respondent 1 and 3 and Mr.K.Vinayagam, Advocate for respondent 5, and respondent 2 not appeared either in person or through the counsel, this Court while allowing the Appeal in part and in modification of the award of the Tribunal doth order and decree as follows:

1)that the award dated 22.06.2012 made in MCOP No.41 of 2012, on the file of the Motor Accidents Claims Tribunal -cum- Sub court, Uthamapalayam be and hereby is redressed to Rs.35,58,000 (Rupees Thirty five lakhs fifty eight thousand only) from Rs.37,02,000/- (Rupees Thirty Seven Lakhs and Two thousand only).

2)That the Respondents 1 to 3/Petitioners be and hereby are entitled to a sum to Rs.35,58,000/- (Rupees Thirty five Lakh and fifty eight Thousand only) as total compensation instead of Rs.37,02,000/- (Rupees Thirty seven lakh and two thousand only) awarded by the Tribunal;

3)That the Appellant/Insurance Company as well as the fifth respondent herein be and hereby shall deposit the modified award amount as per the ratio of negligence fixed by the tribunal, within



a period of Six weeks from the date of receipt of a copy of the Judgment;

4)that, on such deposit the major claimants be and hereby are permitted to withdraw their entire share as apportioned by the tribunal.

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

Sd/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-IV)

To
The Subordinate Judge,
The Motor Accident Claims Tribunal
Cum Sub Court,
Uthamapalayam

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

CMA(MD)No.849 of 2015
DECREE

Allowing the appeal in part preferred against the Judgment and Decree dated 22.06.2012 and made in MCOP No.41 of 2011 on the file of the Motor Accidents claims Tribunal -cum- Sub court) Uthamapalayam

KK/BK/SAR-4/10.12.2018/3P-4C