



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Ninth day of November Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.85 of 2015

The Divisional Manager,
The Oriental Insurance Company Limited,
No.4, Bharathidasan Salai,
2nd Floor, Cantonment,
Trichy-1.

... Appellant/Respondent No.3

Vs.

1.K.Rajendran
2.K.Karuppiyah
3.K.Manikandan

...1st Respondent/ Petitioner

... 2nd and 3rd Respondents/Petitioners 1 & 2

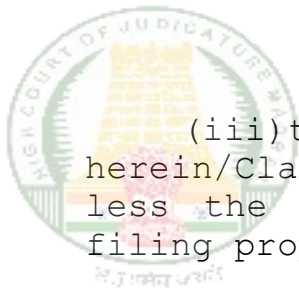
Civil Miscellaneous Appeal filed against the award of the Motor Accident Claims Tribunal, Kuzhithalai dated 30.04.2012 made in M.C.O.P.Nos.432 of 2010.

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.P.Chandran, Advocate for Mr.S.Veeranasamy, Advocate for the Appellant and of Mr.S.Sudhakar Nagaraj, Advocate for the first respondent and of Mr.N.Satheesh Kumar, Advocate for the third respondent and of Second respondent not appeared either in person or by an Advocate, while this Court allowing the Appeal in part and modifying the award passed by the tribunal, doth order and decree as follows:-

(i) that the award of the Motor Accident Claims Tribunal, Kuzhithalai, dated 30.04.2012 made in MCOP No. 432 of 2010 be and hereby is reduced to Rs.1,92,500/- (Rupees One Lakhs Ninety Two Thousand Five Hundred Only) from Rs.4,32,000/-;

(ii) that the Appellant herein/Insurance Company be and hereby is directed to deposit the entire compensation amount of Rs.1,92,500/- (Rupees One Lakhs Ninety Two Thousand Five Hundred Only) with interest at the rate of 7.5% per annum with costs, 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 the Judgment,

less the amount already deposited, if any;



(iii)that, on such deposit being made the first respondent herein/Claimant be and hereby is entitled to withdraw the same, less the amount already withdrawn by the Claimant, if any, by filing proper application before the tribunal below; and

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To
The Motor Accident Claims Tribunal,
Kuzhithalai.

Copy to:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

DATED : 09.11.2017

DECREE

C.M.A.(MD)No.85 of 2015

Nature of the DECREE:

While Allowing the Appeal in part and modifying the award passed by the tribunal, as against the Judgment and decree of the Motor Accident Claims Tribunal, Kuzhithalai, dated 30.04.2012 made in MCOP No. 432 of 2010.

AM/SV MMS/SAR 4/20.12.2017/2P/3C