



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the 25<sup>th</sup> day of October, Two Thousand and Seventeen

PRESENT

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
AND  
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

C.M.A(MD)No.961 of 2016

National Insurance Company Limited,  
through its Divisional Manager,  
Door No.37-C, S.N.High Road,  
Tirunelveli.

: Appellant/2<sup>nd</sup> Respondent

Vs.

1.Vennila  
2.Chandrasekar  
3.Arumugathurai

: Respondents 1 to 3/  
Petitioners 1 to 3

4.Amala Arockia Medona

: 4<sup>th</sup> respondent/1<sup>st</sup> Respondent

5.Rajakumar  
6.Soundarapandian  
7.The Oriental Insurance Company Ltd.,  
Through its Divisional Manager,  
First Floor, DDJ Centre,  
Opposite to Vadaseri Bus Stand  
Nagercoil, Kanyakumari District.

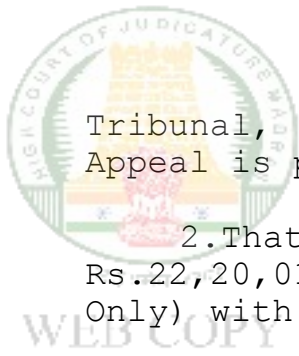
: 5<sup>th</sup> Respondent to 7<sup>th</sup> Respondent/  
3<sup>rd</sup> Respondent to 5<sup>th</sup> Respondent.

This Civil Miscellaneous Appeal has been filed against the judgment and decree dated 13.10.2015 made in MCOP No.111 of 2014, on the file of the Subordinate Judge, Motor Accident Claims Tribunal, Valliyoor.

**DECREE:** This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers in the Appeal and upon hearing the arguments of Mr.D.Sivaraman, Advocate for first appellant and Mr.S.Palani Velayutham, Advocate for respondents 1 to 3 and Mr.K.Bhaskaran, Advocate for Seventh respondent and respondent Nos.4,5 and 6 not appeared either in person nor by an Advocate, this Court while partly allowing this Appeal, doth order and decree as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

1. That the award dated 13.10.2015 in MCOP 111 of 2014 on the file of the Subordinate Judge, Valliyur, Motor Accidents Claims



Tribunal, be and hereby is modified and the Civil Miscellaneous Appeal is partly allowed;

2. That the award amount of Rs.27,30,100/- is modified to Rs.22,20,016/- (Rupees Twenty Two Lakhs Twenty Thousand and Sixteen Only) with interest 7.5%;

3. That the Appellant Insurance Company is directed deposit the modified award amount, less the amount already deposited, within a period of eight weeks from the date of receipt of a copy of this Judgment;

4. On such compliance, the Claimants are permitted to withdraw their share as apportioned by the Tribunal; and

5. that there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge, Motor Accident Claims Tribunal, Valliyoor.

**Copy to:**

The Record Keeper,

Vernacular Section,

Madurai Bench of Madras High Court, Madurai (2 Copies)

+1CC to Mr.D.Sivaraman, Advocate, SR.No. 83570

+1CC to Mr.S.Palanivelayutham, Advocate, SR.No. 83775

+1CC to Mr.K.Bhaskaran, Advocate, SR.No. 83572

DATED : 25.10.2017

**DECREE**

C.M.A(MD)No.961 of 2016

**Nature of the DECREE:**

Partly allowing this Civil Miscellaneous Appeal preferred against decree passed by Motor Accident Claims Tribunal, Subordinate Judge, Valliyoor made in MCOP No.111 of 2014, dated 13.10.2015 etc., as stated within.