



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Fourteenth day of December Two Thousand and Seventeen

PRESENT

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLC.(MD)No.244 of 2017

in
CMA(MD)No. 277 of 2015

1.K.Mani
2.P.Anitha
3.P.Palanisamy(died)

...Appellants

Vs.

1.V.Sethuraman
2.The Branch Manager,
United India Insurance Company Limited,
Seethalakshmi Complex,
Tirunagar, Madurai-6

...Respondents

PRAYER IN REV.APLC.(MD)No.244 of 2017: The Review is filed under Order 47 Rule 1 C.P.C. R/W. U/S.114 of Civil Procedure Code to review the judgment and decree dated 11.10.2017 made in C.M.A.(MD). No.277 of 2015, on the file of this Court.

Prayer in CMA(MD). 277/ 2015 :

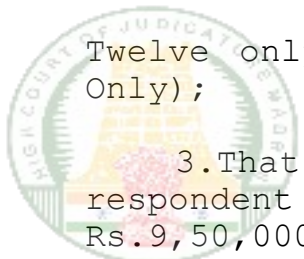
Civil Miscellaneous Appeal filed Under Section 173 of M.V.Act 1988, against judgment and decree dated 21.03.2014. and made in MCOP NO.477 of 2011 on the file of the MACT, (Principal District Judge), Karur.

DECREE:

This Review Application is coming on for hearing on this day and upon perusing the grounds of review, the judgment passed by this Court in CMA(MD)No.277/2015 and the award of the Tribunal and the material papers in this Appeal and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for Appellants, and Mr.A.Shajakhan, Advocate for Respondent 2 and this Court while allowing the Review Application with modification of the award of Tribunal below, doth order and decree as follows:

1.That the order dated 11.10.2017 made in CMA(MD)No.277/2015 is set aside;

2.That award of the Motor Accidents Claims Tribunal(Principal District Judge), Karur, dated 21.03.2014 and made in M.C.O.P.No.477 of 2011 is modified by enhancing the compensation amount from Rs.7,65,112/- (Rupees Seven Lakh Sixty Five Thousand One Hundred and



Twelve only) to Rs.9,50,000/-(Rupees Nine Lakh and Fifty Thousand Only);

3.That, the United India Insurance Company Limited/Second respondent herein do deposit the enhanced compensation amount Rs.9,50,000/-(Rupees Nine Lakh and Fifty Thousand Only) along 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 twelve weeks from the date of receipt of a copy of the judgment, less the amount already deposited, if any, to the credit of M.C.O.P.No.477 of 2011 dated 21.03.2014 on the file of the Motor Accidents Claims Tribunal(Principal District Judge), Karur; and

4.On such deposit, the claimants/appellants shall withdraw the same as apportioned by the Tribunal, less the amount already withdrawn by them, with proportionate interest and costs through RTGS by filing proper application before the Tribunal.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS)

To

The Principal District Judge,
Motor Accident Claims Tribunal, Karur.

Copy to

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

Order dated:14.12.2017

DECREE

REV.APLC.(MD)No.244 of 2017

in

CMA(MD)No. 277 of 2015

Allowing the Review Preferred against the Judgment and Decree of this Court dated 11.10.2017, made in CMA(MD)No. 277 of 2015 and etc., as stated within.

tsg