



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI  
( Civil Appellate Jurisdiction )

Wednesday, the Thirteenth day of April Two Thousand and Twenty Two  
PRESENT

The Hon`ble MR. Justice RMT. TEEKAA RAMAN  
C.M.A. (MD) No.729 of 2017

WEB COPY

The Manager

TATA AIG General Insurance Co., Ltd.,  
P.O. Box No.9407, Peninsula Corporate Park,  
Nicholas Piramal Tower,  
9<sup>th</sup> Floor, Ganpatrao,  
Kadam Marg, Lower Parel,  
Mumbai - 400 013.

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

Vs

1. Kathamuthu  
2. Saraswathi

1<sup>st</sup> Respondent / Petitioner  
2<sup>nd</sup> Respondent/ 1<sup>st</sup> respondent

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 18/04/2016 made in M.C.O.P No. 196 of 2014 on the file of the Motor Accident Claims Tribunal /Principal Subordinate Judge, Karur.

DECREE:- This Civil Miscellaneous Appeal coming on for hearing on Friday, the First day of April Two Thousand and Twenty Two; upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to this case and upon hearing the arguments of Mr. J.S. Murali, Advocate for the Appellant and Mr. K. Suresh Kumar, Advocate for the 1<sup>st</sup> respondent; and having stood over for consideration till this date; this court while allowing this Civil Miscellaneous Appeal in part with modification of the award of the Tribunal; doth order and decree as follows:-

1. That the award dated 18/04/2016 made in M.C.O.P No. 196 of 2014 on the file of the Motor Accident Claims Tribunal / Principal Subordinate Judge, Karur be and hereby is reduced from Rs. 11,86,954/- (Rupees Eleven lakh Eighty six thousand Nine hundred and fifty four only) to Rs.7,61,954/- (Rupees Seven lakh Sixty one thousand Nine hundred and fifty four only);

2. That the Appellant herein/ Insurance Company is be and hereby directed to deposit the modified award amount of Rs.7,61,954/- (Rupees Seven lakh Sixty one thousand Nine hundred and fifty four only) together with interest @ 7.5% per annum, (if not already deposited) to the credit of M.C.O.P No. 196 of 2014 on the file of the Motor Accident Claims Tribunal /Principal Subordinate Judge, Karur within a period of eight weeks from the date of receipt of a copy of this order;



3. That on such deposit being made, the Ist respondent herein/ Claimant shall withdraw the same, as apportioned by the Tribunal, after following the due process of law;

4. That the Tribunal is be and hereby directed to refund the excess award amount, if any already deposited, to the Appellant herein/ Insurance Company with proportionate interest; and

5. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

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

Copy to:

The Section Officer,  
V.R. Section,  
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1CC to Mr. J.S. Murali, Advocate in Sr. No.18524.

+1CC to Mr. K. Sureshkumar, Advocate in Sr. No.19280.

ORDER DATED 13.04.2022

**DECREE**

C.M.A. (MD) No. 729 of 2017

Allowing the Civil Miscellaneous Appeal in part preferred against the award dated 18/04/2016 made in M.C.O.P No. 196 of 2014 on the file of the Motor Accident Claims Tribunal /Principal Subordinate Judge, Karur etc., as stated within.

RK(07/06/2022) 2P 6C