



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

Tuesday, the Twenty Seventh day of April
Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs. Justice T. KRISHNAVALLI

CMA(MD).No.876 of 2017

WEB COPY

The United India Insurance
Company Limited,
Nagercoil, Representd by its
Branch Manager,
Office at Second Floor,
P.W.D.Road, Post Box No.50,
Nagercoil,
Kanyakumari District.

.. Appellant/3rd Respondent

Vs

1.C.Raguveradhas
2.R.Jegathesh
3.R.Sudha
4.R.Subash
5.R.Narender Singh
6.R.Jiji Shankar
7.A.Jagadheesh
8.N.Aathilingam

.. R1 to R6/Petitioners
.. 7th Respondent/1st Respondent
.. 8th Respondent/2nd Respondent

Prayer:-

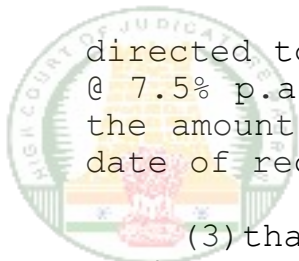
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award, dated 14/02/2017 made in M.C.O.P.No.89 of 2012 on the file of the Motor Accidents Claims Tribunal (Sub Court), Kzhithurai.

DECREE:-This Civil Miscellaneous Appeal having come upon for hearing on Wednesday, the Third day of February Two Thousand and Twenty One, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of, Mr.S. Royce Immanuel, Advocate for the Appellant, Mr.T.Selvakumaran, Advocate for the Respondents 1 to 6 and Seventh and Eighth Respondents have not appeared either in person or by an Advocate, and having stood over consideration till this date, and this court while Allowing this Appeal in Part and Modifying the award passed by the tribunal below, doth order and decree as follows:-

(1)That the award passed by the Motor Accident Claims Tribunal (Sobordinate Judge), Kuzhithurai, dated 14/02/2017 made in M.C.O.P.No.89 of 2012 be and hereby is reduced to Rs.9,77,916/- (Rupees Nine Lakhs Seventy Seven Thousand Nine Hundred and Sixteen Only) from Rs.10,86,870.

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

(2)that the Appellant herein/Insurance Company be and hereby is



directed to deposit the modified award amount together with interest @ 7.5% p.a from the date of petition till the date of deposit, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment.

(3) that on such deposit being made, the 1st Respondent herein/1st Claimant be and hereby is entitled to withdraw Rs.5,77,916/- (Rupees Five Lakhs Seventy Seven Thousand Nine Hundred and Sixteen Only).

(4) that the Respondent 2 to 6 herein/Claimants 2 to 6 are each entitled to withdraw Rs.80,000/- (Rupees Eighty Thousand Only) together with accrued interest and costs without filing any formal petition before the tribunal.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal,
Soburinate Judge, Kuzhithurai.

Copy to:

The Section officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai. (2c)

+1CC to Mr.S.Royce Immanuvel, Advocate in S.R.No.17695.

+1CC to Mr.T.Selva Kumaran, Advocate in S.R.No.17992.

ORDER DATED : 27/04/2021

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DECREE

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CMA(MD) .No.876 of 2017

Nature of Decree:-While Allowing this Appeal in Part gainst the award of the Motor Accident Claims Tribunal (Sub Court), Kuzhithurai, made in MCOP.No.89 of 2012 dated 14/02/2017, etc, as stated within.