



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Tuesday, the Twenty First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

AND

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMA(MD) . No.678 of 2011

M/s United India Insurance Co., Ltd,
Through its Branch Manager,
having office at
3/E, Balavinayagar Kovil Street,
Tuticorin - 628 002.

: Appellant/2nd Respondent

Vs.

1.L.Pappa
2.L.Thinakaran
3.L.Prabhakaran
4.L.Pushpa
5.L.Pakkiaraj
6.L.Prabha
7.L.Shifa

: Respondents 1 to 7/Petitioners

8.M/s Hari & Co., having office at
No.133, Great Cotton Road,
Thoothukudi - 628 001.

: 8th respondent/1st respondent

9.S.Senthilnathan

: 9th respondent/3rd respondent

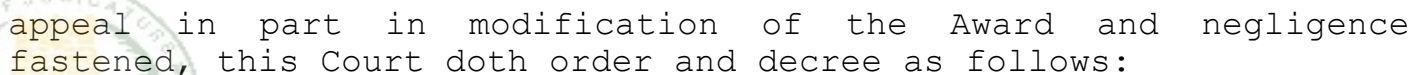
10.Reliance General Insurance Company
Through its Policy Serving Office,
No.10/4/4. Thaha Plaza, 2nd Floor,
South Bypass Road, Vannarpet,
Tirunelveli - 3.

: 10th respondent/4th respondent

This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and decree of the Additional District Judge, the Motor Accidents Claims Tribunal, Additional District Court/Fast Track Court No.1, Thoothukudi dated 02.08.2010 passed in MACOP No.125 of 2009.

DECREE:-

This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers available to this case, and upon hearing the arguments of MR.N.DILIP KUMAR, Advocate for the Appellant, MR.T.SIDHARTHAN, Advocate for Respondents R1 TO R7, MR.H.THAYUMANASWAMY, Advocate for the 8th Respondent, and of MR.S.SRINIVASA RAGHAVAN, Advocate for the 10th Respondent herein, and the 8th Respondent herein not appearing either in person or through advocate, while allowing the



(1) That the Award under the Judgment and Decree dated 02.08.2010 passed in MCOP.No.125 of 2009 on the file of the Motor Accidents Claims Tribunal/Additional District Court/Fast Track Court No.1, Thoothukudi be and hereby is reduced to a sum of Rs.3,00,000/- (Rupees Three Lakhs only) along with interest at the rate of 7.5% per annum;

(2) That the negligence be and hereby is fastened at the ratio of 60:40 on the driver of the Lorry and TATA Sumo Car (Deceased) respectively;

(3) That after deducting 40% towards negligence on the part of the deceased, the Claimants are entitled to a sum of Rs.1,80,000/- (Rupees One Lakh and Eighty Thousand only) with interest at the rate of 7.5% per annum and from the said amount, the first claimant is entitled to a sum of Rs.90,000/- (Rupees Ninety Thousand only) and the Claimants 2 to 7 are entitled to Rs.15,000/- (Rupees Fifteen Thousand only) each, together with accrued interest and costs;

(4) That the Appellant do deposit the compensation amount of Rs.1,80,000/- (Rupees One Lakh and Eighty Thousand only) with accrued interest and costs, within a period of six weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any;

(5) That on such compliance, the claimants shall withdraw their respective shares, as apportioned as above;

(6) That the excess amount, if any, shall be refunded to the Appellant Insurance Company;

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

Sd/-
Assistant Registrar (CO)

/True Copy/

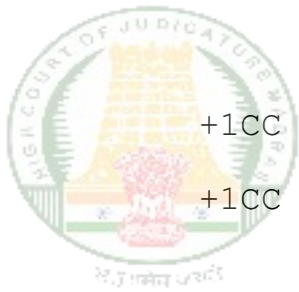
Sub Assistant Registrar

TO

THE ADDITIONAL DISTRICT JUDGE,
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
(ADDITIONAL DISTRICT COURT/FAST TRACK COURT NO.1),
TIRUNELVELI.

Copy to:

THE RECORD KEEPER, V.R. SECTION,



WEB COPY

+1CC TO MR.N.DILIP KUMAR, Advocate Sr. No.88434

+1CC TO MR.S.SRINIVASA RAGHAVAN, Advocate Sr. No. 89035

ORDER DATED : 21/11/2017

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DECREE
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CMA(MD). No.678 of 2011

Nature of Decree:- Partly
allowing the Appeal preferred
against the Judgment and Decree
dated 02.08.2010 in
MCOP.No.125/2009 on the file of
the MACT/Addl.dist. Court/FTC
No.1, Thoothukudi and giving
directions etc. As stated
therein.

TR (05.03.2019) 3P 6C