



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twenty Ninth day of June Two Thousand and Seventeen

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM

and

The Hon`ble Mr.Justice P.VELMURUGAN

CMA(MD) No.8 of 2011

M/s.Oriental Insurance
Company Limited,
City Branch Office III,
295, West Masi Street,
Madurai - 625 001
through its Branch Manager.

... Appellant/2nd Respondent

Vs.

1.G.Vijayalakshmi
2.R.Rajasoundari ammal
3.R.G.Senthil Kannan

... Respondent/1st Petitioner
... Respondent/2nd Petitioner
... Respondent/1st Respondent

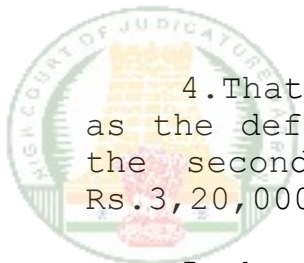
This Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act, 1988, against the award passed by the Motor Accident Claims Tribunal, 1st Additional District Judge, Madurai, dated 02.08.2010, in M.C.O.P.No.2054 of 2006.

DECREE: This Appeal coming on for hearing on Wednesday the fourteenth day of June two thousand and seventeen, upon perusing the Grounds of Appeal, the judgment and Decree of the Lower Court and upon hearing the arguments of Mr.C.Ramachandran, Advocate for the Appellant Mr.T.Lajapathi Roy, Advocate for 1st Respondent and having stood over for consideration till this day, this Court while allowing in part this Appeal, doth order and decree as follows:

1.that the judgment and decree dated 02.08.2010 made in MCOP.No.2054 of 2006 on the file of the Motor Accidents Claims Tribunal , 1st Additional District Judge , Madurai, be and hereby are modified and the Civil Miscellaneous Appeal is Allowed in part;

2.That the Compensation claimed by the claimants are reduced from Rs.14,90,000/- to Rs.13,20,000/-;

3.That the appellant be and hereby is directed to deposit the compensation amount, as modified by this Court along with proportionate interest and costs from the date of petition till the date of realisation, less the amount already deposited, if any, to the credit MCOP.No.2504 of 2006 on the Motor Accidents Claims Tribunal, I Additional District Court Court , Madurai within a period of six weeks from the date of receipt of a copy of this judgment.



4. That the first claimant, being the wife of deceased as well as the defendant of the deceased is entitled to Rs.10,00,000/- and the second claimant is mother of the deceased is entitled to Rs.3,20,000/-.

5. That the 1st and 2nd claimants are permitted to withdraw the entire amount that would be deposited by the appellant, less the amount already withdrawn, if any, with proportionate interest and costs, through RTGS by filing necessary application before the Tribunal.

6. That the Appellant is permitted to withdraw the excess amount, if any.

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

Sd/-
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The I Additional District Judge,
The Motor Accidents Claims Tribunal,
Madurai.

Copy to:

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

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 62935

ORDER DATED :29/06/2017
DECREE
CMA(MD) No.8 of 2011

Nature of the Decree:- Dismissing this Civil Miscellaneous Appeal preferred against judgment and decree passed by Ist Additional District Judge, Madurai made in MCOP.No.2054/2006 dated.02.08.2010 etc., as stated within.



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