



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

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD) No.947 of 2015

and

Cross Objection (MD)No.32 of 2015

The New India Assurance Company Limited
through its Branch Manager,
having Office at S.N. High Road,
Opp. To Central Theatre,
Tirunelveli-627 001.

: Appellant/2nd Respondent

Vs.

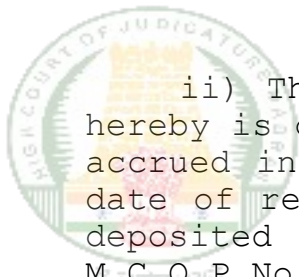
1.Devasahayam
2.A.Jeyaseeli
3.A.Sekar

: R1 and R2/Petitioners 1 and 2
: R3/1st Respondent

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 and the Cross Objection is filed under Order 41, Rule 22 of code of Civil procedure, preferred against the Judgment and Decree of the I Additional District Judge, Motor Accident Claims Tribunal /I Additional District Court, Tirunelveli dated 10.03.2014 made in M.C.O.P.No.154 of 2013.

DECREE : This Appeal and the Cross Objection came up for hearing on Friday, the Sixteenth day of February, 2018, upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers available in this case, and upon hearing the arguments of Mr.R.Manishankar for M/s.V.Pushpa, Advocate for the Appellant in the Appeal/1st Respondent in the Cross Objection, and of Mr.S.Saji Bino, Advocate for the Respondents 1 and 2/Cross Objectors (The 3rd Respondent in CMA/2nd Respondent in the Cross Objection not appearing either in person or by Advocate), and having stood over the case for consideration till this day, this Court while disposing of the Appeal and the Cross Objection, doth order and decree as follows:-

i) That the compensation amount of Rs.19,01,000/- (Rupees Nineteen Lakhs and One Thousand only) granted under the Judgment and Decree dated 10.3.2014 in M.C.O.P.No.154/2013 on the file of the Motor Accidents Claims Tribunal/I Additional District Court, Tirunelveli, be and hereby is modified to a sum of Rs.14,25,800/- (Rupees Fourteen Lakhs Twenty Five Thousand and Eight Hundred Only) along with interest at the rate 7.5% per annum;



ii) That the Appellant in the appeal /Insurance Company be and hereby is directed to deposit the modified compensation amount, with accrued interests and costs, within a period of six weeks from the date of receipt of a copy of the Judgment, less the amount already deposited if any, to the credit of the claim petition is M.C.O.P.No.154/2013;

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iii) That on such deposit being made, the Tribunal below shall transfer the same directly to the Bank Account of the Claimants through RTGS within a period of to weeks thereafter;

iv) that on such transferring, the Claimants be and hereby are permitted to withdraw their shares as apportioned by the Tribunal below ;

v) that the Cross Objection filed by the Claimants be and hereby is closed ;

vi) And that there be no costs in this Civil Miscellaneous Appeal and the Cross Objection.

sd/-

24/04/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE 1ST ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUNELVELI.

Copy To : The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.V.Pushpa, Advocate Sr.No.63346
+1cc to Mr.S.Saji Bino, Advocate Sr.No.63164

GJM/RSK/SKN/SAR-4-01.06.18-2p-6c

Dated : 24.04.2018

DECREE

IN

CMA(MD) No.947 of 2015 (2/2)

AND Cross Objection (MD)No.32 of 2015

Nature of the Decree : Disposing of the CMA and Closing the Cross Objection, preferred against the Judgment and Decree dated 10.03.2014 in M.C.O.P.No.154/2013 on the file of the Motor Accident Claims Tribunal/I Additional District Court, Tirunelveli and giving directions etc., as stated therein.