



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Seventeenth day of June Two Thousand and Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) . No.634 of 2018

THE MANAGER,,

M/S. CHOLAMANDALAM GENERAL INSURANCE CO.LTD.,

DARE HOUSE, 2ND FLOOR, N.S.C.BOSE ROAD,

CHENNAI-600 001.

... Appellant/ Respondent -2

Vs

1 RAVICHANDRAN,

... Respondent/Petitioner

2 HAKKIM,

3 ATHIF RAHMAN,

... Respondents/Respondent 1 and 3

Prayer:-Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the fair and decreetal order dated 27.11.2017 made in MCOP No.177 of 2016 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Thanjavur

DECREE:- This Civil Miscellaneous Appeal is coming upon for hearing on this date, upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of MR.S.SRINIVASARAGHAVAN, Advocate for the Appelant and of MR.K.M.KARUNAKARAN ,ADVOCATE FOR R1, and the second and third respondent not appearing either in person or by an Advocate and this court while allowing this Appeal in Part doth order and decree as follows:

1.That the compensation awarded by the Tribunal herein be and hereby is reduced from Rupees 6,40,000/- (Rupees six lakhs forty thousand only) to Rupees 4,00,000/- (Rupees four lakhs only) as modified compensation.and there shall be a reduction of Rs2,40,000/-

on the quantum.

2. That the Appellant / Insurance company herein be and hereby is directed to deposit the modified compensation of Rs.4,00,000/- with 7.5% interest per annum from the date of claim till the date of deposit, less the amount already deposited, if any, to the credit of the claim petition within a period of eight weeks from the date of receipt of a copy of this judgement.

3. That on such deposit, the first respondent/claimant herein be and hereby is permitted to withdraw the entire amount with interest by filing a formal permission petition before the Tribunal.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

TO

THE SPECIAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
THANJAVUR

Copy to:

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-69123 dated 17/06/2019)
+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-69134 dated 17/06/2019)

DATED : 17/06/2019

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DECREE

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CMA(MD). No.634 of 2018
Nature of Decree:- Allowing
this Appeal preferred
against the fair and decreetal
order dated 27.11.2017 made in
MCOP No 177 of 2016 on the
file of Motor Accident Claims
Tribunal, Special subordinate
Court, Thanjavur ,etc,as stated
with in.

KK/SAR/31.07.2019/2P-6C