



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

AND

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.598 of 2018

THE NEW INDIA ASSURANCE CO LTD
THROUGH THE BRANCH MANAGER OFFICE AT NO.200-F
FIRST FLOOR PANCHAYAT UNION ROAD,
VALLIYOOR TIRUNELVELI DT.

...Appellant/2nd Respondent

Vs

1 VIJILA EATHER JANET

2 PRIYA ESTHER

3 FREEDA MERLINE

4 MINOR JUBAL AUGUSTIN JEBAKUMAR

..Respondents 1 to 4/
Petitioners 1 to 5

ESTHER (DIED)

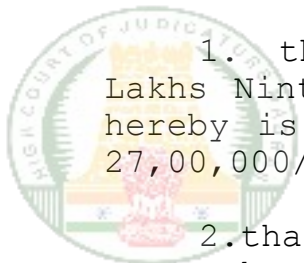
5 GANESAN

...5th Respondent/1st Respondent

Prayer :-

This Civil Miscellaneous Appeals is filed Under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the Decree and Judgment dated 08.03.2018 made in M.C.O.P.No.981 of 2017 on the file of I Additional District Judge, Tirunelveli and thus render justice.

Order: This Appeal coming on for hearing on this day upon perusing the grounds of Appeals, the order of the Lower Court and the material papers in this Appeal and upon hearing the arguments of Mr.A.Illango, Advocate for the Appellant and Mr.V.Sasikumar, Advocate for the Respondents R1 to R4, and there is no appearance either in person or by an Advocate for R5, and this court while observing that the entire award amount has been deposited and the major claimants were also permitted to withdraw 50% of the award amount while allowing the appeal in part and in modification of the award of the Tribunal below, doth order and decree as follows.



1. that the compensation of Rs.30,19,000/- (Rupees Thirty Lakhs Ninteen Thousand only) awarded by the Tribunal below be and hereby is reduced from to Rs.26,98,492/- which is rounded off to 27,00,000/- along with the interest @ 7.5% p.a.

2.that out of the modified compensation and the first respondent herein is entitled for Rs.12,00,000/- and the children of the deceased/respondents 2 to 4 are entitled for Rs.5,00,000/- each.

3. that the major claimants are entitled to withdraw their share amount along with Proportionate Interest and costs.

4. that the share of the minor claimant herein/fourth respondent be and hereby shall be deposited in the Indian Bank, High Court Branch, Madurai, till he attains majority.

5. that the Appellant herein/Insurance Company be and hereby is entitled to get back the remaining excess amount if any, from the amount already deposited and.

6. that there be and hereby no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

TO

1. I ADDITIONAL DISTRICT JUDGE, TIRUNELVELI

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

+1 CC to M/s.V.SASI KUMAR, Advocate, SR-61077.



WEB COPY

ORDER DATED : 15/04/2019

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DECREE

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CMA(MD) . No.598 of 2018

PARTLY ALLOWING this CMA
(MD) . No.598 of 2018
preferred against judgment
and decree passed by I
ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI made in
M.C.O.P.981/2017 on
08/03/2018 etc. as stated
within.

DB (CO)

TR (10.06.2019) 3P 5C