



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
MONDAY THE TENTH DAY OF SEPTEMBER, TWO THOUSAND AND EIGHTEEN

PRESENT:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

CMA(MD).No.546 OF 2013

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ICICI Lombard General Insurance
Company Limited,
No.7, Near Loyola Technical Institute,
A.A.Road, Gnanaolipuram,
Madurai, Madurai District.

Appellant/2nd Respondent

- Vs. -

Elsy Victor @ Grace Elgi Pankajam(died)

1.Victor

2.Juliyam Singh

3.Sam Joel

4.Saravana kumar

1to3 Respondents/Petitioners

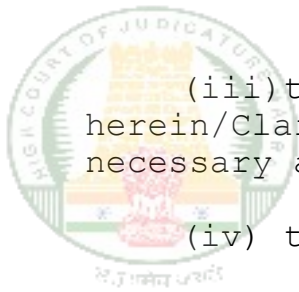
4th Respondent/Respondent No.1

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the fair and decreetal order of the Motor Accident Claims Tribunal, Sub Court, Aruppukkottai, dated 23.02.2012 made in M.C.O.P.No.50 of 2010.

DECREE: This Appeal coming on for hearing on this day, Upon perusing the grounds of Appeal, the award of the tribunal Court below and the material papers to this Appeal, and upon hearing the arguments of Mrs.K.R.Shivasankari, Advocate for Mr.S.Srinivasa Raghavan, Advocate for the Appellant and of Mr.K.Gnana Sambandan, Advocate for the First Respondent, and of Mr.V.Sasikumar, Advocate for the Second and Third Respondents and in pursuance of the submission made by the counsel for the respondents submitted that pending Appeal, the first respondent/Victor died and the respondents 2 and 3 are only legal heirs and dependants of the deceased viz., Victor and this court while, Allowing the Appeal in Part and in modification of the award of the tribunal below, doth order and decree as follows:

(i) that the award of the Motor Accident Claims Tribunal, Sub Court, Aruppukkottai, dated 23.02.2012 made in M.C.O.P.No.50 of 2010 be and hereby is enhanced to Rs.15,48,200/ (Rupees Fifteen Lakhs Forty Eight Thousand Two Hundred Only) from Rs.15,03,200/- and the rate of interest at the rate of 7.5% per annum.

(ii) that the Appellant herein/Second Respondent, do deposit the said sum of Rs.15,48,200/ (Rupees Fifteen Lakhs Forty Eight Thousand Two Hundred Only) with interest and costs, within a period of six weeks from the date of receipt of copy of this judgment.



(iii)that on such deposit being made, Respondents 2 and 3 are herein/Claimants do permitted to withdraw the same equally on filing necessary application before the tribunal.

(iv) that there be no costs in the Civil Miscellaneous Appeal

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Sd/-

/True Copy/

Assistant Registrar(AS)

Sub Assistant Registrar(CS-I)

To

The Motor Accidents Claims Tribunal / Sub Judge,
Aruppukkottai.

Copy to
The Record Keeper, VR Section,
Madurai Bench of Madras High Court,
Madurai. 2COPIES

- 1 CC TO Mr.V.Sasikumar , ADVOCATE IN SR No. 83514.
- + 1 CC TO Mr.S.Srinivasa Raghavan , ADVOCATE IN SR No.83304.

ORDER DATED:10.09.2018

DECREE

CMA(MD) .No.546 OF 2013

Nature of the Decree:

While Allowing the Appeal in part and modifying the award passed by the tribunal below as against the Order and decreetal order of the Motor Accident Claims Tribunal/Sub Court, Aruppukkottai, dated 23.02.2012 made in M.C.O.P.No.50 of 2010.

- Trp
- DS RSK SAR1 11 12 2018 2P 6C