



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Seventh day of November,
Two Thousand and Nineteen

PRESENT

The Honourable Mr.Justice KRISHNAN RAMASAMY

CMA(MD) . No.1163 of 2008

and

CROSS OBJECTION (MD) No.47 of 2008

THE BRANCH MANAGER,
NEW INDIA ASSURANCE COMPANY LIMITED,
CHENNAI,
THROUGH ITS DIVISIONAL MANAGER,
DIVISIONAL OFFICE,
SIVAKASI. ...Appellant in CMA /1st Respondent in Cross Objection

Vs

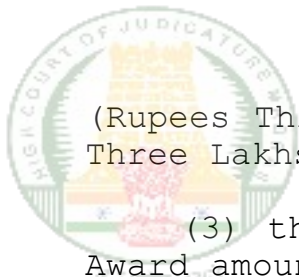
1. CHANDRAGRAHAM ... 1st Respondent in CMA / Cross Objector
2. R.SEENIVASAN ...2nd Respondent in CMA/2nd Respondent
in Cross Objection

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 and the Cross Objection filed under ORDER XLI Rule 22 of Civil Procedure Code, preferred against the judgment and decree of the Subordinate Judge, Motor Accidents Claims Tribunal / Subordinate Judge, Sivakasi dated 06.11.2007 and made in M.C.O.P. No.161 of 2005.

DECREE:-This Civil Miscellaneous Appeal and the Cross Objection having come up for final hearing on this day, upon perusing the grounds of Appeal and the Cross Objection, the order of the Tribunal and the material papers to the Appeal and the Cross Objection and upon hearing the arguments of D.SIVARAMAN, Advocate for the Appellant in the CMA/1st Respondent in Cross Objection and of S.SRINIVASA RAGHAVAN, Advocate for the first respondent in CMA/Cross Objector, this Court doth order and decree as follows:-

(1) that the Civil Miscellaneous Appeal preferred by the Appellant/Insurance company against the Award passed by the Motor Accidents Claims Tribunal/Subordinate Judge, Sivakasi dated 06.11.2007 made in M.C.O.P. No.161 of 2005 be and hereby is dismissed;

(2) that the Cross Objection filed by the Claimant be and hereby is dismissed by enhancing the Award amount Rs.3,00,000/-



(Rupees Three Lakhs only) to a sum of Rs.23,56,000/- (Rupees Twenty Three Lakhs and Fifty Six Thousand only);

(3) that the Appellant/Insurance Company do deposit the entire Award amount along with interest at the rate of 7.5 per cent, within a period of 12 weeks from the date of receipt of a copy of this judgment if not already deposited;

(4) that on such deposit being made, the claimant shall withdraw the entire Award amount with proportionate interest and costs;

(5) that the Claimant do submit his Savings Bank Account details along with the copy of the passbook to the Tribunal below forthwith;

(6) that after the deposit made by the Appellant/Insurance Company, the Tribunal be and hereby is directed to transfer the entire Award amount along with accrued interest and costs directly to the personal savings bank account number of the Claimant, through RTGS/NEFT system, after getting his Account details, within a period of three weeks thereafter;

(7) And that there be no costs in the Civil Miscellaneous Appeal and in the cross Objection.

(Additional Court fee of Rs.15,560/- (Rupees Fifteen Thousand Five Hundred and Sixty only) paid vide USR No.5860/2020 dated 04.03.2020)

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
Motor Accidents Claims Tribunal (Subordinate Court),
Sivakasi.

Copy to:

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

<https://hcservices.madras.gov.in/hcservices/> (3 Copies)



+ 1 CC to Mr D.Sivaraman, Advocate, Copy Application Sr. No.102582/2019.

+ 2 CC to Mr S.Srinivasa Raghavan, Advocate, Copy Application Sr. No.102021 & 102023/2019.

+ 1 CC to Mr M.Ashok Kumar, Advocate, Copy Application Sr. No.102066/2019.

ORDER DATED : 27/11/2019

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DECREE
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CMA(MD) . No.1163 of 2008
&
CROSS OBJECTION(MD)No.47 of 2008

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal and allowing the Cross Objection preferred against the judgment and decree of the MACT Sub. Court, Sivakasi dated 6.11.2007 made in MCOP. No. 161 of 2205 and giving directions etc. as stated therein.

VB(17.03.2020) 3P 8C