



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Fourteenth day of August
Two Thousand and Nineteen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMA (MD) . No.1467 of 2013
in

AND CROSS OBJECTION (MD) NO.27 OF 2016

THE ORIENTAL INSURANCE CO.LTD,
SHOBA D.S.M.COMPLEX RAILWAY STATION ,
OPPOSITE RAILWAY STATION PALAKKAD-678 001..
Appellant in CMA/2nd Respondent in Tribunal

Vs ..

1 VANITHA,
W/O.GOPAL, D.NO.7, THIRUPPUR KUMARAN VEETHI,,
PANDICHERRY..

2 DHARMARAJ,
S/O.MURUGESAN, AYAN KARISALKULAM,,
SRIVILLIPUTTUR, VIRUDHUNAGAR DISTRICT..

3 MUTHULAKSHMI,
W/O.PARAMASIVAM, YADAVAR ST., MADURAI,

..Respondents 1 to 3 in CMA/
Cross objector in Cross objection/
Claimant

K.MANOCHARAN,
S/O.KARUPPAIAH, D.NO.1-2-4, MOTTAISAMY KOVIL,
STREET, PERAIYUR TALUK 625 703

..4th respondent in CMA/
1st Respondent tribunal

Prayer:-

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the _Motor Accident Claims Tribunal/Chief Judicial Magistrate, virudunagar dated 30.11.2011 and made in M.C.O.P.No.21 of 2008.



DECREE:-

This Civil Miscellaneous Appeal having coming on for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.C.Ramachandran for appellant in CMA and for 1st respondent in the cross objection and of Mr.V.Thirumal for respondent 1 to 3 in CMA and and Cross objectors in cross objection and Mr. M.Thirunavukkarasu for the 4th respondent in CMA and 2nd respondent in cross objection, and this Court while dismissing the appeal and allowing the cross objection in part, doth order and decree as follows:-

(1) That the award of the tribunal below be and hereby is enhanced from Rs.1,78,500 (Rupees one lakh seventy eight thousand five hundred only) to Rs.2,03,400/- (Rupees two lakhs three thousand and four hundred only)..

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the amount now awarded, less the amount already deposited along with interest at the rate of 7.5% from the date of petition till the date of deposit within a period of Eight weeks from the date of receipt of a copy of this order.

(3) That on such deposit being made, the respondents Nos 1 to 3/ claimants, be and are hereby are permitted to withdraw the entire award amount with accrued the interest and cost as apportioned by the Tribunal, by filling an application before the Tribunal.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. The MOTOR ACCIDENT CLAIMS Tribunals.
Cum Chief Judicial magistrate, Virudhunagar.
2. The Section Officer,
V.R.Section,Madurai Bench of Madras High Court,
Madurai. (2 copies)



+2 CC to M/s.C. RAMACHANDRAN, Advocate (SR-81586,81587)

+2 CC to M/s.V.THIRUMAL, Advocate (SR-81633,81634)

WEB COPY

Order dated 14/08/2019

DECREE

CMA (MD)No. 1467/2013
and
Cross Objection (MD) No.27/2016

Dismissing the CMA and allowing the Cross objection in part, preferred against the Judgment and decree passed by the CJM/MACT, Virudhunagar in MCOP.No.21/2008 dt.30/11/201etc as stated within.

kg (CO)
TR (07.11.2019) 3P 8C