



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Tuesday, the Twenty Third day of April Two Thousand Nineteen

PRESENT

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The Hon'ble Mr Justice K.KALYANASUNDARAM
AND
The Hon'ble Mrs.Justice T.KRISHNAVALLI

CMA(MD) . No.830 of 2017

THE MANAGER
NATIONAL INSURANCE COMPANY LTD.
74-A, PARAMATHI ROAD,
NAMAKKAL.

... Appellant/2nd Respondent

Vs

1 INDIRANI
W/O.VIJAYAN, 5/310,
NEW BYE PASS MADURAI ROAD,
ANDANKOIL EAST, KARUR.

2 PRADEEP
S/O.VIJAYAN, 5/310,
NEW BYE PASS MADURAI ROAD,
ANDANKOIL EAST, KARUR.

3 NIRAJAN,
S/O.VIJAYAN, 5/310,
NEW BYE PASS MADURAI ROAD,
ANDANKOIL EAST, KARUR.

4 SARADHAMBAL
W/O. MUTHUSAMY, 5/310,
NEW BYE PASS MADURAI ROAD,
ANDANKOIL EAST, KARUR.

... 1to4 Respondents/1to4 Petitioners

5 MATHIYALAGAN
S/O.ARUNACHALAM,
59, ARASANKATTU STREET,
POTHANUR, PARAMATHI,
VELUR TALUK, NAMAKAL.

...5th Respondent/1st Respondent

6 THE MANAGER,
BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.
126, VP TOWERS, OPPOSITE TO CHENNAI SILKS
KOVAI MAIN ROAD, KARUR.

...6th Respondent/3rd Respondent



Prayer :- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 15/09/2016 passed in MCOP.No. 32 of 2013 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Karur.

DECREE:- This Civil Miscellaneous Appeal is coming 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.A.S.Mathialagan Advocate for the Appellant and of MR.E.K.Kumaresan Advocate for the Respondents 1 to 4, Mr.J.S.Murali Advocate for the 6th Respondent and none appeared on behalf of 5th Respondent, and this Court while observing that the Appellant/Insurance Company has deposited 50% of the award amount, while partly allowing the appeal doth order and decree as follows:-

(1) that the award of the Tribunal be and hereby is reduced from Rs.32,42,850/- (Rupees thirty two lakhs forty two thousand and eight hundred and fifty only) to Rs.25,65,000/- (Twenty five lakhs sixty five thousand only);

(2) that out of the total compensation, the respondents 1 to 3/the wife and two sons of the deceased are entitled for a sum of Rs.6,00,000/- (Rupees six lakhs) each and the fourth respondent/the mother of the deceased is entitled for Rs.7,65,000/- (Rupees seven lakhs sixty five thousand only);

(3) that the interest ordered by the Tribunal be and hereby is maintained;

4) that the appellant be and hereby is directed to deposit the modified award amount within a period of eight weeks from the date of receipt of a copy of this order;

5) that on such compliance, the claimants be and hereby are permitted to withdraw their share;

(6) that there be no costs in this Civil Miscellaneous Appeal.

sd/
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)

TO

1. The Principal District Judge,
The Motor Accident Claims Tribunal,
Karur



Copy to:

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

WEB COPY

- +1 CC to Mr.J.S.MURALI, Advocate (SR-62082 dated 24/04/2019)
- +1 CC to Mr.A.S.MATHIALAGAN, Advocate (SR-62372 dated 25/04/2019)
- +1 CC to Mr.E.K.KUMARESAN, Advocate (SR-63141 dated 26/04/2019)

ORDER DATED : 23/04/2019
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DECREE

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CMA(MD) . No.830 of 2017

Partly allowed this CMA(MD).
No.830 of 2017 preferred against
judgment and decree passed by the
Principal District Judge, The Motor
Accident Claims Tribunal, Karur made in
MCOP.32/2013 on 15/09/2016 etc. as
stated within.

MK (07.06.2019) 3P 7C