WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Third 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.114 of 2018

THE ORIENTAL INSURANCE COMPANY,
LIMITED THROUGH ITS DIVISIONAL MANAGER ,
OFFICE AT 1ST FLOOR D.D.J. CENTRE OPP. TO ,
VADASERY BUS STAND NAGERCOIL. ... **Appellant / 2nd Respondent**

/ VERSUS /

1 PAUL DURAICHI
2 RAJASEKARAN
3 MINOR SATHISHKUMAR
4 MINOR AJITH
(Minor 3rd and 4th Respondents are
rep by their mother and next guardian of
1st Respondent Paul Duraichi)

5 CHELLASAMY PANDIAN ...**Respondents 1 to 5 / Petitioners 1 to 5**

6 SANKAR ...**6th Respondent/ 1st Respondent**

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal cum SPECIAL SUB JUDGE, TIRUNELVELI (MACT), dated 29/4/2017 made in MCOP.896/2014

DECREE:-

This Civil Miscellaneous Appeal having coming for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.K.BHASKARAN, Advocate for the Appeallant and of MR.R.JIM, Advocate for the Respondents 1, 3 and 4 and the Respondents 2, 5 and 6 not appeared either in person or by an advocate, this Court while allowing the Appeal in Part, doth order and decree as follows:-

(1) That, the award amount passed by the SPECIAL SUB JUDGE, TIRUNELVELI (MACT), dated 29/4/2017 made in MCOP.896/2014 be and hereby is reduced from the sum of Rs.26,70,000/- to the sum of Rs.15,16,120/- (Rupees Fifteen Lakhs Sixteen Thousand One Hundred and Twenty only) and the interest awarded by the Tribunal is reduced from 9 % to 7.5 % per annum and the finding of the Tribunal in all other aspects are do stand ;

https://hcservices.ecourts.gov.in/hcservices/

(2) That the Appeallant/Insurance Company be and hereby is directed to deposit the modified amount awarded by the Tribunal, less the amount already deposited;

(3) That, the First Respondent be and hereby is entitled to withdraw a sum of Rs.70,000/- (Rupees Seventy Thousand only), the Second Respondent be and hereby is entitled to withdraw a sum of Rs.1,16,120/- (Rupees One Lakh Sixteen Thousand One Hundred and Twenty only) and the Respondents 3 and 4 be and hereby are entitled for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) each and the 5th Respondent be and hereby is entitled to withdraw a sum of Rs.1,00,000/- (Rupees One Lakh only) with proportionate interest and cost. Excess amount if any shall be returned to the Insurance Company.

(4) That, in respect of the shares of the Minor Claimants namely, the Respondents 3 and 4, the same shall be deposited in a nationalized bank till they attain majority and the interest portion on such deposit shall be withdrawn by the mother of the Respondents 3 and 4 and

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

TO

The MOTOR ACCIDENT CLAIMS TRIBUNAl.
SPECIAL SUB JUDGE, TIRUNELVELI (MACT)

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.K.BHASKARAN,Advocate (SR-58677)

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

ORDER DATED : 03/04/2019

==========
DECREE
==========

CMA(MD). No.114 of 2018

Nature of Decree:- ALLOWING the Civil Miscellaneous Appeal IN PART preferred against the judgment and decree of the SPECIAL SUB JUDGE, TIRUNELVELI (MACT), dated 29/4/2017 made in MCOP. 896/2014

SGS(CO)
TR (03.06.2019) 5P 5C

https://hcservices.ecourts.gov.in/hcservices/