



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Ninth day of April Two Thousand and Nineteen

WEB COPY

PRESENT :

The Hon'ble Mrs.Justice S.RAMATHILAGAM

CMA(MD).No.906 of 2016

M/S. UNITED INDIA INSURANCE COMPANY LIMITED, REPRESENTED BY ITS
DIVISIONAL MANAGER, XAVIER BUILDING, P.W.D. OFFICE ROAD,
NAGERCOIL, NAGERCOIL VILLAGE, KANYAKUMARI DISTRICT.

... Appellant/3rd Respondent

Vs

1	A.JASMINE VARMA	...Respondent / Claimant
2	S.KUMARESAN	...Respondent / 1 st Respondent
3	S.BALA NARAYANAN	... Respondent / 2 nd Respondent

Prayer :-

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act, 1988, against the fair and decreetal order dated 02.09.2015 made in MCOP.No.18/2013 on the file of the Motor Accident Claims Tribunal (II Additional Sub Court), Nagercoil.

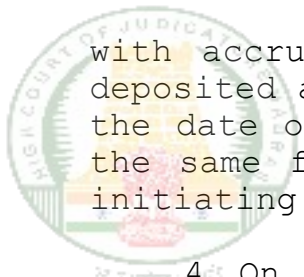
Decree:

Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in this Appeal and upon hearing the arguments of Mr. B.Rajesh Saravanan, Advocate for the Appellant, Mr. T.Selvakumaran, Advocate for the 1st Respondent and of Mr.M.P.Senthil, Advocate for the 3rd Respondent and this Court while Allowing the Appeal in Part and confirming the award passed by the Tribunal below, doth order and decree as follows:

1 That, the award dated 02.09.2018 made in M.C.O.P.No. 18 of 2013 on the file of Motor Accident Claims Tribunal - cum - 2nd Additional Sub Judge, Nagercoil be and hereby is confirmed and Civil Miscellaneous Appeal is Partly Allowed;

2 That, the Claimant herein / 1st Respondent be and hereby is entitled for a sum of Rs.2,75,639/- (Rupees Two Lakhs Seventy Five Thousand Six Hundred and Thirty Nine only) with interest 7.5% per annum as compensation;

3 That, the appellant herein / Insurance Company be and hereby is directed to deposit the award amount as awarded by the tribunal



with accrued interest and costs, less the amount if any, already deposited at the first instance, within a period of eight weeks from the date of receipt of a copy of this judgment and then to recover the same from the owner of the vehicle/third respondent herein by initiating separate proceedings before the claims Tribunal;

4 On such deposit being made, the first respondent are is permitted to withdraw their respective shares as awarded by the Tribunal with proportionate accrued interest and costs and;

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, (PRINCIPAL SUB JUDGE),
NAGERCOIL.

Copy to:

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

+1 CC to M/s.T.SELVAKUMARAN, Advocate SR-60523

DATED : 09/04/2019

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DECREE

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CMA(MD). No.906 of 2016

Nature of Decree : partly
allowed this CMA(MD). No.906
of 2016 preferred against
judgment and decree passed by
II Addl SUB JUDGE , NAGERCOIL
(MACT) made in MCOP.18/2013 on
02/09/2015 etc. as stated
within.

KK/SAR/18.06.2019/2P-5C