



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Sixth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.10 of 2019

THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE CO.LTD.
239/239- POLLACHI ROAD, UDUMALPET. ... Appellant / 2nd Respondent

Vs

1 S.SELVI
2 MINOR S.THENNARASU, S/O.LATE
3 V.PAPPATHI
4 R.VELUSAMY ...Respondents 1 to 4/Petitioners 1 to 4
5 N.SUBRAMANIYAN ...5th Respondent / 1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, Principal District Judge, Karur made in MCOP No.211 of 2016 dated 25.06.2018.

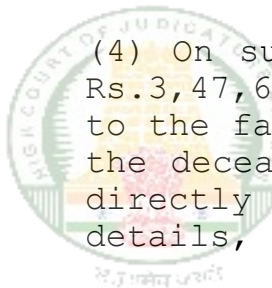
DECREE:-

This Civil Miscellaneous Appeal having come up 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.N.DILIP KUMAR, Advocate for the Appellant and of MR.M.SUDHAGAR NAGARAJ, Advocate for the 1st to fourth respondents, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Principal District Judge, Karur made in MCOP No.211 of 2016 dated 25.06.2018 be and hereby is modified and the Civil Miscellaneous Appeal is partly allowed.

(2) That the Award passed by the Tribunal is reduced from Rs.35,72,000/- to Rs.30,47,680/- (Rupees Thirty Lakhs forty seven thousand six hundred and eighty only)

(3) That the Appellant/Insurance Company be and hereby is directed to deposit the entire award amount within a period of eight weeks from the date of receipt of a copy of this Judgemnet along with interest at the rate of 7.5% from the date of claim petition till the date of realisation, if not deposited.



(4) On such deposit, the Tribunal is directed to transfer a sum of Rs.3,47,680/- to the mother of the deceased, a sum of Rs.2,00,000/- to the father of the deceased a sum of Rs.15,00,000/- to the wife of the deceased and a sum of Rs.10,00,000/- to the son of the deceased directly by way of RTGS/NEFT system, after getting their Account details, within a period of three weeks thereafter.

(5) That the tribunal is directed to transfer the said amount as apportioned by this Court directly to the Personal Savings Bank Account Number of the claimants by way of RTGS/NEFT system, after getting their Account details, within a period of three weeks from the date of receipt of a copy of this Judgement, incase if the award amount is already deposited,

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
KARUR.

+1 CC TO M/s.N.Dilip Kumar, Advocate in SR 96620

+1 cc to M/s.N.Sudhagar Nagaraj, Advocate in SR 96533

ORDER DATED : 06/11/2019

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DECREE

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CMA(MD). No.10 of 2019

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous Appeal
preferred against the award
of the Principal District
Judge, Motor Accident Claims
Tribunal, Karur made in MCOP
NO.211of 2016 dated
25.06.2018 and etc., stated
therein.

SMA/13/02/2020/2P/4C