



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Thursday, the Fourth 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.358 of 2018

The Oriental Insurance Company Limited
through its Branch Manager,
Office at No.144, Main Road,
Valliyoore-627 117. :Appellant/Second Respondent

.vs.

1.Vethambal

2.Muthuveera Sivagami

3.Nallasivan

4.Sivagami :Respondents 1 to 4/Petitioners 1 to 4

Rajan - (Died)

5.Ramalakshmi :Respondent No.5/Respondent No.3

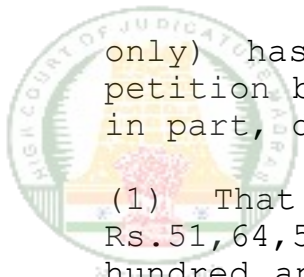
6.Packiathai :Respondent No.6/Respondent No.4

(Respondents 5 and 6 remained ex-parte before
the Tribunal)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 praying this Court to set aside the award of Rs.51,64,550/- (Rupees fifty one lakhs sixty four thousand five hundred and fifty only) passed in M.C.O.P.No.281 of 2013 dated 4.1.2018, on the file of the Motor Accident Claims Tribunal cum I Additional District and Sessions Judge, Tirunelveli.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in this appeal and upon hearing the arguments of MR.K.BHASKARAN, Advocate for the Appellant and of MR.J.ASHOK, Advocate for Respondents No.5 & 6 and the Respondents No.1 to 4, not appeared either in person or through advocate, and upon the submission made by the Counsel for the appellant that the entire award amount of Rs.51,64,550/- (Rupees Fifty One Lakhs and Sixty four thousand Five hundred and fifty



only) has already been deposited to the credit of the claim petition before the Tribunal, this Court while allowing this appeal in part, doth order and decree as follows:-

(1) That the award amount be and hereby is reduced from Rs.51,64,550/- (Rupees fifty Lakhs and Sixty four thousand five hundred and fifty only) to Rs.22,48,000/- (Rupees Twenty two Lakhs and forty eight thousand only) with interest at the rate of 8% per annum from the date of claims petition till the date of realization.

(2) That the first claimant be and hereby is entitled to a sum of Rs.7,48,000/- (Rupees Seven Lakhs and forty eight thousand only) and the claimants 2 to 4 are entitled to a same of Rs.5,00,000/- (Rupees Five Lakhs only) each together with proportionate interest and costt.

(3) That the Tribunal be and hereby is directed to refund the excess award amount to the appellant/Insurance Company; and

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

TO

THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL CUM / ADDITIONAL DISTRICT
AND SESSIONS COURT, TIRUNELVELI.

Copy to:

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

+1 CC to M/s.K.BHASKARAN, Advocate (SR-58954 dated 04/04/2019)

+1 CC to M/s.J.ASHOK, Advocate (SR-58967 dated 04/04/2019)



WEB COPY

ORDER DATED : 04/04/2019

=====

DECREE

=====

CMA(MD). No.358 of 2018

Nature of Decree:- Partly
Allowing the CMAs to
against the order passed in
M.C.O.P.No.281 of 2013
dated 04.01.2018 on the
file of the Motor Accidents
Claims Tribunal Cum I
Additional District and
Sessions Judge,
Tirunelveli.

SRK (CO)

TR (03.06.2019) 3P 6C