



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMA(MD). No.623 of 2018

THE BRANCH MANAGER,,
UNITED INDIA INSURANCE COMPANY LTD.
81-C W.G.C ROAD,
THOOTHUKUDI.

...Appellant/2nd Respondent

Vs

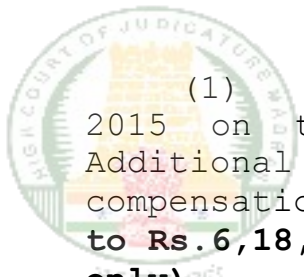
- | | | |
|---|------------------|---|
| 1 | K. SERMAKANI, | ...1 st Respondent/1 st Petitioner |
| 2 | K. CHINNATHAMBI, | ...2 nd Respondent/2 nd Petitioner |
| 3 | G. SUPPAMMAL, |3 rd Respondent/3 rd Petitioner |
| 4 | S. MURUGESAN, |4 th Respondent/1 st Respondent |

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree of the I ADDL. DISTRICT JUDGE, THOOTHUKUDI, dated 27/02/2018 made in M.C.O.P.69/2015

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.A.ILANGO, Advocate for the Appellant and of MR.S.SIVATHILAKAR, Advocate for the respondent Nos.1to3, Respondent No.4 not appeared either in person or through his counsel this Court, while partly allowing the Civil Miscellaneous Appeal, doth order and decree as follows:



(1) that the award dated 27.02.2018 made in M.C.O.P. No.69 of 2015 on the file of the Motor Accidents Claims Tribunal/I Additional District Judge, Thoothukudi is modified by reducing the compensation amount payable to the Claimants from **(*)Rs.6,88,072/- to Rs.6,18,072/- (Rupees Six Lakhs Eighteen thousand and Seventy Two only)**

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(2) that the respondents 1to3 herein/ claimants are permitted to withdraw the entire modified amount of **(*)Rs.6,18,072/-** along with interest at 7.5% per annum from the date of filing of the claim petition till the date of realisation as per ratio fixed by the Tribunal, without filing any formal petition before the Tribunal.

(3) that the Insurance Company is liable to pay the compensation and to recover the same from the 4th respondent herein, who is the owner cum driver of the two wheeler, without preferring separate application.

(4)that the difference of Rs.70000/-with accrued interest shall be refunded to the appellant herein.

(5) that the Insurance Company is permitted to withdraw the excess amount already deposited of Rs.70000/- with accrued interest. and

(6)that the appearance of the appellant before the MACT(District Judge), Thoothukudi is dispensed with.

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

Sd/-

Assistant Registrar
(Dated: 23.04.2019)

**(*)Amended as per order of this Hon'ble Court
Dated 29.04.2019.**

Sd/-

Assistant Registrar
(Dated: 07.06.2019)

// True Copy //

Sub Assistant Registrar(CS)

To

(*)TO BE SUBSTITUTED THE ORDER ALREADY DESPATCHED ON 23.04.2019

1.The Motor Accident Claims Tribunal/
First Additional District Judge)
Thoothukudi.



2.S.Murugesan,
S/o.Senthurpandi
New Door No.1254,
Korkai, Sivaigundam Taluk, Thoothukudi District.

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Copy to:
The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.2copies.

1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-60487[F]
dated 11/04/2019)

ORDER DATED : 11/04/2019

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DECREE

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CMA(MD) . No.623 of 2018

Nature of Decree:-

Allowing in Part the Civil
Miscellaneous Appeal preferred
against the judgment and decree of
the I Additional District Judge,
Thoothukudi, dated 27.02.2018 made
in M.C.O.P.69 of 2015.

DS SAR 23 04 2019 2P 6C

TR(10.06.2019) 3P 6C