



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Tenth 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.665 of 2018

THE DIVISIONAL MANAGER,
NATIONAL INSURANCE CO. LTD. NO.33 ,
PROMENADE ROAD CANTONMENT TIRUCHIRAPPALLI..

... Appellant

Vs

1 MARIYAMMAL

2 WILLIAM THOMAS

3 REXLIN

4 M/S. A.R.DAIRY FOOD PRIVATE
LIMITED, REP BY ITS MANAGING DIRECTOR,
NO.10/5-C, MADURAI ROAD, BEGAMBUR, DINDIGUL,
DISTRICT

5 THE DIVISIONAL MANAGER
M/S. ORIENTAL INSURANCE COMPANY LIMITED,
NO.5-A, BHARATHIDASAN SALAI, CANTONMENT, TRICHY,
DISTRICT

6 MURUGESAN

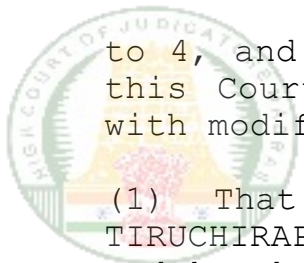
... Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the SPECIAL DISTRICT JUDGE, TIRUCHIRAPPALLI (MACT), dated 25/10/2017 made in MCOP.508/2017.

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 K.R.SHIVA SHANKARI, Advocate for Mr. S. Srinivasa Raghavan, Advocate for the Appellant and of Mr. K. Bhaskaran, Advocate for the 5th respondent and the respondents No. 1



to 4, and 6 have neither appeared in person or through by advocate, this Court while partly allowing this Civil Miscellaneous Appeal with modification and doth order and decree as follows:-

(1) That the award passed by the SPECIAL DISTRICT JUDGE, TIRUCHIRAPPALLI (MACT), dated 25/10/2017 made in MCOP.508/2014 be and hereby is reduced from Rs.39,57,616/- (Rupees Thirty Nine Lakh Fifty Seven Thousand Six Hundred and sixteen only) to Rs. 20,39,000/- (Rupees Twenty Lakh Thirty Nine Thousand only) with interest at 7.5% per annum from the date of claim petition till the date of realization;

(2) That out of the above said award amount, the first claimant/1st respondent herein, be and hereby is entitled for a sum of Rs.14,39,000/- (Rupees Fourteen Lakh and thirty Nine Thousand only) and the claimants 2 and 3 the 2nd and 3rd respondents herein are each entitled to a sum of Rs.3 Lakhs (Rupees Three Lakhs only);

(3) That the fifth respondent/Insurance Company be and hereby is directed to deposit 50% of the modified award amount with proportionate accrued interest and costs, less the award amount, if any, deposited by them, to the credit of claim petition within a period of eight weeks from the date of receipt of a copy of this order;

(4) That on such deposit being made, the claimants/respondents be and hereby permitted to withdraw their respective shares as per the apportionment fixed by this court, referred to supra, with proportionate interest and costs, by filling necessary application before the Tribunal.

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

Sd/-

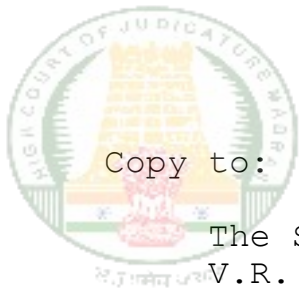
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

TO

The SPECIAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL (MACT).
TIRUCHIRAPPALLI



Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

WEB COPY

+1 CC to M/s.K.BHASKARAN, Advocate (SR-60302 dated 11/04/2019)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-60488 dated
11/04/2019)

ORDER DATED : 10/04/2019

=====
DECREE
=====

CMA(MD). No.665 of 2018

Nature of Decree:- PARTLY
ALLOWING with modification
the Civil Miscellaneous
Appeal preferred against the
judgment and decree of the
SPECIAL DISTRICT JUDGE,
TIRUCHIRAPPALLI (MACT), dated
25/10/2017 made in MCOP.
508/2014

TR (26.04.2019) 3P 6C