



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Thursday, the Thirteenth day of June Two Thousand Nineteen

Present

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

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CMP(MD). No.9711 of 2018
IN CMA(MD)No.1214 of 2009

1. V.Helan Gnanaselvi, W/o. Late Alex Appathurai, Now at 3/51, Nadar Street Peroor Post, Srivaikundam Taluk, Tuticorin District.
2. Minor Nancy Grace, S/o. Late Alex Appathurai, Now at 3/51, Nadar Street, Peroor Post, Srivaikundam Taluk, Tuticorin District.
3. A.Samuel Ponnusamy S/o. Late S.V.Appathurai, Now at Erivantha Nayanar Street, Veriline Samathanapuram, Palayamkottai, Tirunelveli District.
4. S.Arputhamani, W/o. A.Samuel Ponnusamy, Now at Erivantha Nayanar Street, Veriline Samathanapuram, Palayamkottai, Tirunelveli District.
5. Minor Spisar Raj, S/o. Late Alex Appathurai, Now at 3/51, Nadar Street, Perur Post, Srivaikundam Taluk, Tuticorin District.

(Minor 2nd and 5th Petitioners are
Rep by their Mother the 1st Petitioner)

... Petitioner in CMP(MD). No.9711 of 2018

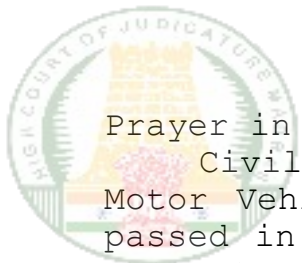
Vs

1. The Divisional Manager, The Oriental Insurance Co., Ltd., D.D.J., 1st Floor, Opposite to Vadaseri Bus Stop, Nagercoil - 629 001.
2. E.Rajalakshmi, W/o. Erulappan, 134/0 - 1, Samathanapuram Main Road, Madurai. (Remained Exparte Before the Lower Court).

... Respondent(s) in CMP(MD). 9711/ 2018

Prayer in CMP(MD). 9711/ 2018 :

Civil Miscellaneous Petition filed under Section 151 of Code of Civil Procedure, to modify the judgement and decree dated 03.11.2016 made in CMA.No.1214 of 2009 on the file of this Honourable court with compensation of Rs.7,20,000/- with 7.5% interest instead of Rs.7,20,000/- with full quit.



Prayer in CMA(MD). 1214/ 2009 :

Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988 to set aside the Award of Rs.5,68,152/- passed in MCOP.1863 of 2006, dated 31.07.2009, on the file of the MACT, Cum II Additional District Judge(Incharge), Tirunelveli.

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ORDER:- This Civil Miscellaneous Petition coming on for hearing on this day under the Caption "For Modification", upon perusing the petition and affidavit filed in support thereof and the earlier order of this Court dated 03.11.2016 and upon hearing the arguments of Mr.S.Sivathilakar, Advocate for the petitioners and of MR.K.BHASKARAN, Advocate for the first Respondent this Court made the following order:-

The present petition in C.M.P.(MD)No.9711 of 2018 is filed to modify the judgment and decree dated 03.11.2016 made in C.M.A(MD) No.1214 of 2009.

2.The learned counsel for the petitioner states that the award passed by the Motor Accidents Claims Tribunal, II Additional District Judge, Tirunelveli, in M.C.O.P.1863 of 2006 was Rs.7,20,000/- with 7.5% interest. The matter was referred to the National Mega Lok Adalat and before the Lok Adalat, the parties have agreed to settle the award amount of Rs.7,20,000/-. By recording the said compromise, the Lok Adalat, once again referred the matter back to the Court for passing orders, taking into account the settlement arrived before the Lok Adalat. The matter was listed for final hearing before this Court on 03.11.2016.

3.With reference to the award passed by the Motor Accidents Claims Tribunal as well as the compromise arrived between the parties before the National Lok Adalat, this Court also passed an order confirming the award amount of Rs.7,20,000/- along with interest at the rate of 7.5 % per annum from the date of passing of the order in C.M.A.No.1214 of 2009 till the date of settlements.

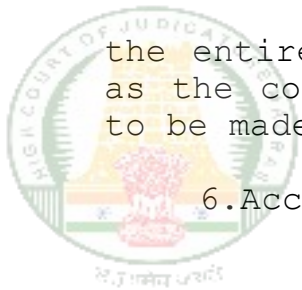
4.The learned counsel appearing for the Insurance Company made a submission that 50% of the award amount had been deposited as per the award passed by the Tribunal and the balance 50% along with interest at the rate of 7.5% alone is to be deposited.

5.Under these circumstance, the following modified orders are passed :

i)The Divisional Manager, The oriental Insurance Co.,Ltd is directed to deposit the balance award amount of 50% along with the interest at the rate of 7.5% from the date of passing of the order in C.M.A(MD)No.1214 of 2009 i.e., from 03.11.2016 till the date of settlement of the amount within a period of four weeks from the date of receipt of a copy of this order.

<https://hcservices.ecourts.gov.in/hcservices/>

ii) On such deposit, the claimants are entitled to withdraw



the entire award amount along with the interest deposited as well as the cost, by filing appropriate application and the payment is to be made through RTGS.

6. Accordingly, the miscellaneous petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

TO

1. THE II ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

ORDER DATED : 13/06/2019

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ORDER
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CMP (MD) . No.9711 of 2018
IN CMA (MD) No.1214 of 2009

Modifying the order dated
03.11.2016 etc., as stated
within.

GRL (CO)
TR (17.07.2019) 3P 2C