



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
THURSDAY, THE SEVENTEENTH DAY OF OCTOBER,
TWO THOUSAND AND NINETEEN

PRESENT:

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY
CMA(MD) No.386 of 2016

The Oriental Insurance Company Limited,
Through its Branch Manager,
Perunthurai, Erode. ... Appellant / 2nd Respondent

Vs.

1.M.Mallika ... 1st Respondent/ 1st Petitioner
2.D.Maruthanayagam ... 2nd Respondent/ 2nd Petitioner
3.M.Menaka ... 3rd Respondent/ 3rd Petitioner
4.S.Anandhan ... 4th Respondent/ 1st Respondent

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree of the Subordinate Judge, The Motor Accidents Claims Tribunal (The Subordinate Court), Kulithalai dated 24.07.2015 passed in M.C.O.P No.284 of 2013.

ORDER: This Civil Miscellaneous Appeal is coming upon for hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.C.Jawahar Ravindran, Advocate for the Appellant, and of Mr.N.Sudhagar Nagaraj, Advocate for the Respondent Nos.1 to 3, and the 4th Respondent not appearing either in person or through Advocate, this court while allowing the Appeal in part, doth order and decree as follows:

- 1.That the compensation amount of Rs.15,85,000/- (Rupees Fifteen Lakhs and Eighty Five Thousand only) awarded under the judgment and decree dated 24.07.2015 passed in M.C.O.P. No.284 of 2013 on the file of the the Motor Accidents Claims Tribunal / Subordinate Court, Kulithalai, be and hereby is reduced to a sum of Rs.11,56,000/- (Rupees Eleven Lakhs and Fifty Six Thousand only) with interest at the rate of 7.5% per annum from the date of the Claim Petition till the date of realisation with proportionate cost;
- 2.That the Appellant/Insurance company do deposit the entire Award amount namely 11,56,000/- (Rupees Eleven Lakhs and Fifty Six Thousand only) along with accrued interest and costs to the credit of M.C.O.P. No.284 of 2013, within a period of three weeks from the date of receipt of a copy of this judgment, after deducting the amount deposited already, if any;



3. That on such deposit being made, the Tribunal below do transfer the respective shares of the Claimants, as apportioned in M.C.O.P, directly to their respective Bank Accounts through RTGS, within a period of three weeks thereafter;

4. And that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

The Subordinate Judge,
The Motor Accidents Claims Tribunal
(The Principal Subordinate Court),
Kulithalai.

Copy to:

The Record Keeper, (2 copies)
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-92691[F] dated 17/10/2019)

Dated: 17.10.2019

DECREE

CMA(MD) No. 386 of 2016

Nature of Decree: Allowing the Appeal in part preferred against the J/D dated 24.07.2015 passed in MCOP.No.284/2013 on the file of the MACT/ Sub. Court, Kulithalai and giving directions etc. as stated therein.