



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Seventh day of November Two Thousand and Twenty

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD) . No.243 of 2008
and
CROSS OBJ(MD) No.49 of 2009

CMA(MD) . No.243 of 2008

UNITED INDIA INSURANCE CO. LTD.,
TD JEEVA JOTHI BUILDINGS SALAI ROAD,
DINDIGUL.

... Appellant / 2nd Respondent

.Vs.

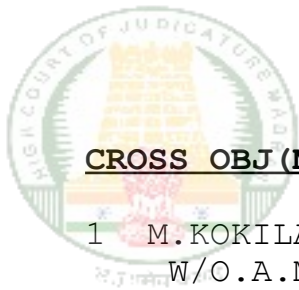
- 1 M.KOKILA
W/O.A.MANO HAR @ A.MANO HARAN, NOW G/O.,
KALYANASUNDARAM, THERASA NAGAR, THERASA,
SCHOOL NEAR, PASUPATHIPALAYAM POST, KARUR,
DISTRICT..
- 2 M.DAYANTH
S/O.A.MANO HAR @ A.MANO HARAN,

(2nd Res. Discharged from the guardianship
vide order dt.21,12,2011)
- 3 ADAIKKAN
S/O.VEE RAPPA GOUNDER, THERASA NAGAR,,
THERASA SCHOOL NEAR, PASUPATHIPALAYAM POST,,
KARUR DISTRICT..
- 4 SRI M.GANDHI
S/O.MUTHUKRISHNAN, 1/11-A, EDYAPPATTI,,
AMMAYANAICKANUR POST, NILAKOTTAI, DINDIGUL,
DISTRICT. (EX-PARTE IN THE LOWER COURT).

... Respondents / Respondents

Prayer in CMA(MD) No.243 of 2008

Civil Miscellaneous Appeal filed under Section 173 of
Motor Vehicles Act, 1988 preferred against the award of the Motor
Accident Claims Tribunal, District Judge, Karur made in MCOP No.317
of 2005 dt.27.06.2007.



CROSS OBJ(MD) . No.49 of 2009

1 M.KOKILA

W/O.A.MANO HAR @ A.MANO HARAN, NOW G/O.,
KALYANASUNDARAM, THERASA NAGAR, THERASA,
SCHOOL NEAR, PASUPATHIPALAYAM POST, KARUR DISTRICT

2 M.DAYANTH

S/O.A.MANO HAR @ A.MANO HARAN,

(2nd Res. Discharged from the guardianship
vide order dt.21,12,2011)

3 ADAIKKAN

S/O.VEE RAPPA GOUNDER, THERASA NAGAR,,
THERASA SCHOOL NEAR, PASUPATHIPALAYAM POST,,
KARUR DISTRICT. ... Cross Objectors /Respondents 1 to 3

.. Vs..

1. UNITED INDIA INSURANCE CO. LTD.,
JEEVA JOTHI BUILDINGS SALAI ROAD ,
DINDIGUL. ... 1st Respondent / Appellant

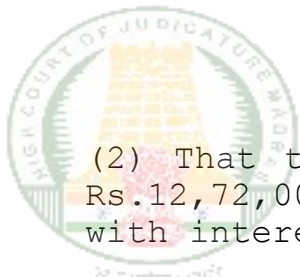
2. GANDHI
(2ND RESPONDENT EXPARTE IN LOWER
COURT) ... 2nd Respondent / 4th Respondent

Prayer in CROSS OBJ(MD)No.49 of 2009

Cross Objection filed under Order XLI, Rule 22 R/w Sect 96
(1) & 2 of C.P.C., preferred against the award of the Motor
Accident Claims Tribunal, District Judge, Karur made in MCOP No.317
of 2005 dt.27.06.2007.

DECREE:- This Civil Miscellaneous Appeal and Cross Objection 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.N.MURUGESAN, Advocate
for the Appellant and the first respondent in Cross Objection and of
MR.V.BALAJI, Advocate for the Respondent Nos.1 to 3 in Appeal and
Advocate for the cross objectors, this court modifying the award of
the Tribunal and dismissing the appeal and allowing the Cross
Objection, and this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims
Tribunal, District Judge, Karur passed in MCOP No.317 of 2005 dated
27.06.2007, be and hereby is modified.



(2) That the award of the Tribunal be and hereby is enhanced from Rs.12,72,000/- to Rs.16,00,000/- (Rupees Sixteen Lakhs only) along with interest at the rate of 7.5% p.a.

(3) That the Appellant / Insurance Company be and hereby is directed to deposit the modified award amount along with interest and costs, less already deposited, within a period of sixteen weeks from the date of receipt of a copy of this Judgment.

(4) That on such deposit, the claimants be and hereby are entitled to withdraw the amount as apportioned by the Tribunal and

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
KARUR.

Copy to:

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

+ 1 cc to Mr.N.Murugesan, Advocate in SR23224/ 2020

ORDER DATED : 27/11/2020

D E C R E E

CMA(MD) . No.243 of 2008

AND

CROSS OBJ(MD) No.49 of 2009

Nature of Decree:-

Dismissing the Civil
Miscellaneous Appeal and
allowing the Cross
Objection preferred against
the award of the Motor
Accident Claims Tribunal,
District Judge, Karur in
MCOP No.317 of 2005 dated
27.06.2007