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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.1496 of 2021

The Branch Manager,
The New India Assurance Co. Ltd.,
1st Floor, Maj Aprts,
No.149, Bharathiyar Road,
Karaikal.

... Appellant/ 3rd respondent

-vs-

1.Selvi
2.Jayalakshmi
3.Vembu

... 1 to 3 Respondents /1 to 3 Petitioners

4.Manikandan
5.Vijayakumar
(RR4&5 Set Exparte
before Tribunal)

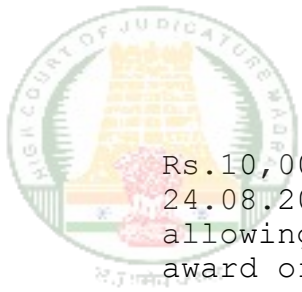
... 4&5 Respondents /1&2 Respondents

PRAYER :

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988, against the award and decree dated 17.03.2020 made in M.C.O.P.No.85 of 2019, on the file of the Motor Accidents Claims Tribunal District Judge, Karaikal.

Order:

This Civil Miscellaneous Appeal Coming/as to admission on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.S.Dhakshnamoorthy, Advocate for the Appellant and Mr.S.V.Karthikeyan, Advocate for the Respondent 1 to 3/ wherein the 4th &5th Respondent having set exparte in lower Court itself and this Court Observing that the appellant herein /Insurance Company having deposited 50% of the award amount along with interest viz., Rs.45,58,199/- to the credit of the claim petition and the first respondent herein/first claimant having already permitted to withdraw a sum of



Rs.10,00,000/-, (Rupees Ten Lakhs Only) vide order dated 24.08.2021 in C.M.P.No.10314 of 2021 and this Court while allowing the Civil Miscellaneous Appeal in part Modifying the award of the Tribunal, doth order and decree as follows:

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1. that the award of the Tribunal be & hereby is reduced from Rs.78,15,000/- (Rupees Seventy Eight Lakhs fifteen Thousand only) to Rs.30,06,000/- (Rupees Thirty lakhs Six thousand only) together with interest at the rate of 7.5% p.a from the dated of claim petition till realization.
2. that the first respondent herein/mother of the deceased small be entitled to a sum of Rs.20,06,000/- (Rupees twenty lakhs Six Thousand only) with proportionate interest; less the amount already withdrawn.
3. that the second and third respondents herein/sisters of the deceased shall be entitled to Rs.5,00,000/- (Rupees five Lakhs only) each with proportionate interest.
4. that the excess amount deposited by the Appellant herein Insurance Company, if any, be & hereby is ordered to be returned to them;
5. that there be no Cost in this Appeal.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

r n s

To:

1. The Motor Accident Claims Tribunal
(District Court), Karaikal.
2. The Record Keeper,
Vernacular Section,
Madras High Court,
Madras.

+1cc to Mr.S.V.Karthikeyan, Advocate, S.R.No.48055



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C.M.A.No.1496 of 2021

DATED: 20/09/2021

Nature of Decree:

Partly allowing Civil Miscellaneous Appeal preferred against the judgment and decree dated 17.03.2020 made in M.C.O.P.No.85 of 2019, on the file of the Motor Accidents Claims Tribunal District Judge, Karaikal, etc. as stated therein.

CA (CO)
CT 05/04/2022