



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

**Thursday, the Sixteenth day of September Two Thousand Twenty One
PRESENT**

The Hon`ble Mr.Justice V.BHARATHIDASAN

AND

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) . No.474 of 2008

WEB COPY

CMA(MD) . No.474 of 2008:-

- 1) G.PORSELVI,
- 2) G. Manikandan
- 3) G. Vigneswaran
- 4) Saraswathy ... Petitioners/Appellants

-Vs-

1.MRS.S.LATHA

2.TR.M.SUNDARAPANDIAN

3.M/S.THE UNITED INDIA INSURANCE CO.LTD.,
DIVISIONAL OFFICE,
7-A, WEST VELI STREET,
MADURAI-1,
THROUGH ITS DIVISIONAL MANAGER.

4.TMT.R.BHUVANESWARI

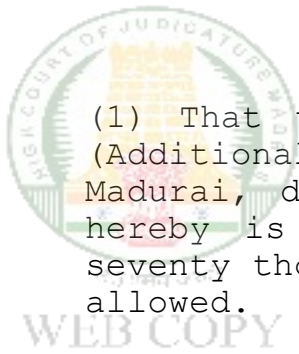
5.M/S.THE UNITED INDIA INSURANCE CO.LTD.,
ATHOOR BRANCH,
SALEM, TAMIL NADU,
THROUGH ITS BRANCH MANAGER. ... Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the fair decretal order dated 17.10.2006 made in M.C.O.P.No.315 of 1997 on the file of the Motor Accident Claims Tribunal (Additional District & Sessions Judge/Fast Track Court No.III), Madurai.

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 M/s. S. Srinivasa Raghavan, Advocate for the Appellant and of M/s. J.S. Murali, Advocate for the third and fifth respondents herein, while partly allowing the Civil Miscellaneous Appeal, this Court doth order and decree as follows:-



(1) That the award passed by the Motor Accident Claims Tribunal (Additional District & Sessions Judge/Fast Track Court No.III), Madurai, dated 17.10.2006, made in M.C.O.P.No.315 of 1997, be and hereby is enhanced to Rs.18,70,000/- (Rupees eighteen lakhs and seventy thousand only) and the Civil Miscellaneous Appeal is Partly allowed.

(2) That the fifth respondent/Insurance company be and hereby is directed to deposit the entire enhanced award amount along with interests at the rate of 6% per annum from the date of petition till the date of realization and costs, less the amount deposited, if any, to the credit of M.C.O.P.No.315 of 1997 on the file of the Motor Accident Claims Tribunal (Additional District & Sessions Judge/Fast Track Court No.III), Madurai, within a period of twelve weeks from the date of receipt of a copy of this judgment.

(3) That on such deposit being made, the appellants/claimants be and hereby are permitted to withdraw their share with accrued interests and costs, less the amount already withdrawn if any, without filing formal permission petition before the Tribunal.

(4) The fourth appellant/Claimant is entitled to get a sum of Rs.2,70,000/- and the remaining amount is apportioned between the other claimants equally.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The District & Sessions Judge, Fast Track Court No.III),
The MOTOR ACCIDENT CLAIMS TRIBUNAL,
Madurai.

Copy to:

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

+1 CC to M/s.J.S.MURALI, Advocate (SR-29534 dated 17/09/2021)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-29516 dated 17/09/2021)



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CMA(MD). No.474 of 2008

ORDER DATED : 16/09/2021

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DECREE

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CMA(MD) . No.474 of 2008

Nature of Decree:- Partly allowed the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal Additional District & Sessions Judge/ Fast Track Court No.III), Madurai, dated 17.10.2006, made in M.C.O.P.No.315 of 1997, etc, as stated therein.

(CO)
GC (27.10.2021) 3P 6C