



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Eleventh day of March,
Two Thousand and Twenty One

PRESENT

The Honourable Mr.Justice K.KALYANASUNDARAM

CMA(MD) . No.164 of 2010

The New India Assurance Co. Ltd.,
No. 793, Jawahar Bazar,
Karur
through its Branch Manager.

... Appellant/2nd Respondent

Vs

1. Thangammal

2. Manikandan

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

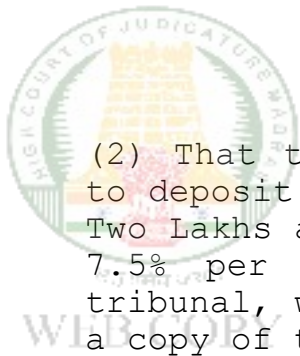
4. A.Shanmugam ... 4th Respondents/1st Respondent
[R4 set ex parte before the Tribunal]
[R2 declared as major vide Judgment dated 11.03.2021]

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 28.04.2006 made in M.C.O.P No. 2025 of 2001 on the file of the Motor Accident Claims Tribunal(Chief Judicial Magistrate), Madurai.

DECREE:-

This Civil Miscellaneous Appeal came up for final hearing on this day, 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. K.Elangovan, Advocate for the Appellant and of Mr.M.Veilkani Raju, Advocate for the respondents No, 1 to 3 herein, and Respondent No. 4 set ex parte herein, this Court while allowing the Appeal in part and modifying the award of Tribunal, doth order and decree as follows:-

(1) That the award dated 28.04.2006 passed in M.C.O.P.No 2025 of 2001 on the file of the Motor Accident Claims Tribunal(Chief Judicial Magistrate), Madurai, be and hereby is reduced from sum of Rs.2,33,000/- (Rupees Two Lakhs and thirty three thousand only) to a sum of Rs.2,20,000/- (Rupees Two Lakhs and twenty two thousand



(2) That the Appellant/Insurance company be and hereby is directed to deposit the entire modified award amount of Rs.2,20,000/- (Rupees Two Lakhs and twenty two thousand only) with interest at the rate of 7.5% per annum, less the amount already deposited, before the tribunal, within a period of eight weeks from the date of receipt of a copy of this Judgment;

(3) That on such deposit being made, the Respondents 1 to 3/Claimants shall withdraw their respective shares in the award amount, less the amount already withdrawn, if any together with proportionate interest and costs, as per the ratio of apportionment made by the Tribunal; and

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO
The Motor Accident Claims Tribunal
(Chief Judicial Magistrate), Madurai.

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

+1 CC to Mr. K.Elangovan, Advocate, SR.No.10717

ORDER DATED 11.03.2021

DECREE

C.M.A(MD). No.164 of 2010

Partly Allowing the Civil Miscellaneous Appeal filed against the award dated 28.04.2006, made in M.C.O.P.No.2025 of 2001, on the file of the Motor Accident Claims Tribunal(Chief Judicial Magistrate), Madurai etc., as stated within.

VR(CO)
TR(27.04.2021) 2P 5C