



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

Wednesday, the Sixth day of January Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD). No.159 of 2011

New India Assurance Co. Ltd.,
242, Rekha Tower
Kamarajar Salai, Madurai
Through its Branch Manager

... Appellant/2nd Respondent

-vs-

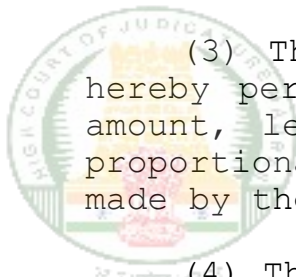
1.Kaja.Mohaideen
2.Hameetha Beevi
3.Mohammed Rabeek
4.Meera Hussain : Respondents 1 to 4/Petitioners
5.T.K.T.Ramasamy : 5th Respondent/1st Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal Subordinate Court, Devakottai dated 26.08.2009 made in M.C.O.P.No.27 of 2008.

DECREE:- This Civil Miscellaneous Appeal having come 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 Thiru.J.S.MURALI, Advocate for the Appellant and of Thiru.S.VIJAYAKUMAR, Advocate for the respondents one to four and of Thiru.B.A.Muruganatham, Advocate for the fifth respondent, this Court while allowing the Appeal in part with the modification of the award of Tribunal below, doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Subordinate Court, Devakottai, dated 26.08.2009 made in M.C.O.P.No.27 of 2008 be and hereby is reduced from Rs.4,68,500/- to Rs.4,00,000/- (Rupees Four Lakhs Only);

(2) That the Appellant herein /Insurance Company be and hereby is directed to deposit the compensation amount of Rs.4,00,000/- (Rupees Four Lakhs only) as awarded herein together with accrued interest and costs, less the amount already deposited, before the Tribunal within a period of eight weeks from the date of receipt of copy of this judgment;



(3) That on such deposit being made, the claimants be and are hereby permitted to withdraw their respective shares in the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs as per the ratio of apportionment made by the Tribunal; and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.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

The Motor Accident Claims Tribunal,
Sub Judge,
Devakottai.

Copy to: The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1 CC to M/s.J.S.MURALI, Advocate (SR-408[F] dated 07/01/2021)

ORDER DATED : 06/01/2021

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DECREE

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CMA(MD). No.159 of 2011

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the Motor Accident Claims Tribunal Subordinate Court, Devakottai, dated 26.08.2009 made in M.C.O.P.No.27 of 2008, etc., as stated within.

KM(CO)

CS(21.01.2021) 2P 5C

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