



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Fifth day of August Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1895 of 2013

&

CMA(MD) . No.640 of 2014

&

CMA(MD) No.923 of 2014

CMA(MD) . No.1895 of 2013

MELUR MEDICAL CENTRE,
REP THROUGH DR.BOOPATHY THE MANAGING ,
DIRECTOR 712 MAIN ROAD MELUR - 605 104 ,
MADURAI DISTRICT ..Appellant / 1st Respondent

Vs

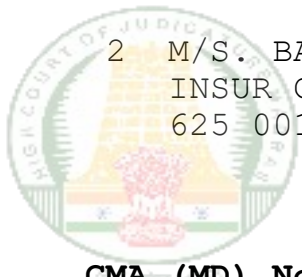
- 1 S.ALAGUMEENA
W/O. SUBRAMANIAN, 88/2, AL.USILAMPATY,,
ALAKARMANAKARI POST, SIVAGANGAI
TALUK &, DISTRICT ..1st Respondent / Claimant
- 2 M/S. BAJAJ ALLIANCE GENERAL INSURANCE
COMPANY LTD, 108, T.P.K.ROAD, MADURAI -,
625 001, (THROUGH ITS BRANCH MANAGER),,
.. 2nd Respondent / 2nd Respondent

CMA(MD) . No.640 of 2014

S.ALAGUMEENA
W/O. SUBRAMANIAN, 88/2, AL.USILAMPATY,,
ALAKARMANAKARI POST, SIVAGANGAI
TALUK &, DISTRICT ..Appellant / Petitioner

. Vs. .

- 1, Dr.BOOPATHY,
THE MANAGING DIRECTOR,
MELUR MEDICAL CENTRE,
712 MAIN ROAD MELUR - 605 104
MADURAI DISTRICT



2 M/S. BAJAJ ALLIANCE GENERAL
INSUR COMPANY LTD, 108, T.P.K.ROAD, MADURAI -,
625 001, (THROUGH ITS BRANCH MANAGER),,
... Respondents / Respondents

CMA (MD) No.923 of 2014

THE BRANCH MANAGER,
BAJAJ ALLIANZ GENERAL INSURANCE COMPANY ,
LIMITED NO.108 TPK ROAD MADURAI..
.. Appellant / 2nd Respondent

Vs

1 S.ALAGUMEENA
W/O. SUBRAMANIAN, NO.88/2, AL.USILAMPATTY,,
ALAGAMANAKARI POST, SIVAGANGAI TALUK,,
SIVAGANGAI DISTRICT .. 1st Respondent / Petitioner

2 MELUR MEDICAL CENTRE
REP THROUGH BOOPATHY, THE MANAGING DIRECTOR,,
NO.712, MAIN ROAD, MELUR 605 104,
MADURAI DISTRICT .. 2nd Respondent / 1st Respondent

COMMON PRAYER :-

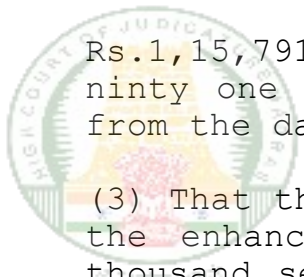
These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award made in MCOP No.1548 of 2010 dated 07.02.2013 on the file of the Motor Accident Claims Tribunal, V Additional District Court, Madurai.

DECREE:-

These Civil Miscellaneous Appeals having come up for final hearing on Wednesday, Thirtieth day of June Two thousand and twenty one, 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 in CMA(MD) No.1895 of 2013 Advocate for first respondent in CMA(MD) No.640 of 2014 Advocate for second respondent in CMA(MD) No.923 of 2014 and of **Mr.K.KUMARAVEL**, Advocate for the first respondent in CMA(MD) No.1895 of 2013 and CMA(MD) No.923 of 2014 and Advocate for Appellant in CMA (MD) No.640 of 2014, **Mr.S.SRINIVASA RAGHAVAN**, Advocate for Appellant in CMA(MD) No.923 of 2014 and Advocate for second respondent in CMA (MD) No.640 of 2014, having stood over for consideration till this date, and this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, V Additional District Court, Madurai be and is hereby modified and the CMA(MD) No.1895 of 2013 and CMA(MD) No.640 of 2014 are partly allowed and CMA(MD) No.923 of 2014 is dismissed.

(2) That the appellant in CMA(MD) No.640 of 2014 / 1st respondent in CMA No.1895 / 2013 be and is hereby entitled to a sum of



Rs.1,15,791/- (Rupees One Lakhs fifteen thousand seven hundred and ninty one only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization.

(3) That the Insurance Company be and hereby is directed to deposit the enhanced amount of Rs.1,15,791/- (Rupees One Lakhs fifteen thousand seven hundred and ninty one only) with 7.5% interest from the date of the claim petition till the date of realization and the amount if not deposited earlier, has to be deposited within a period of eight weeks from the date of receipt of a copy of this order.

(4) On such deposit being made, that the Appellant in CMA(MD) No.640 of 2014 / 1st respondent in CMA No.1895 / 2013 is permitted to withdraw the award amount with proportionate interest after deducting any amount received by her earlier.

(5) That the excess amount, if any deposited shall be refunded to the insurance company.

(6) That the claimant is not entitled for interest for the default period, if there is any.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE V ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURAI.

Copy to:

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

+3 Ccs to M/s.N.MURUGESAN, Advocate (SR-25438 & 25440 & 25442
dated 06/08/2021)

+3 CCs to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-25426, 25428 and
25427 dated 05/08/2021)

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-25290 dated 06/08/2021



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ORDER DATED : 05/08/2021

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DECREE

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CMA(MD) . No.1895 of 2013

CMA(MD) No.640 of 2014

and

CMA(MD) No.923 of 2014

Nature of Decree:- Disposing these Civil Miscellaneous Appeals preferred against the award of the Motor Accident Claims Tribunal, V Additional District Judge, Madurai in MCOP No.1548 of 2010 dated 07.02.2013 and etc., as stated therein

KB(29.09.2021) 4P 11C