



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

Wednesday, the Ninth day of June Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs. Justice T. KRISHNAVALLI

CMA(MD). No.72 of 2013

THE BRANCH MANAGER,
M/S ICICI LOMBARD GENERAL INSURANCE CO. LTD,
ICICI BANK TOWER, BANDIRA, KURLA COMPLEX,
BANDRA EAST, MUMBAI - 400 051. ... Appellant/Respondent-2

Vs

1 VALLI
2 PANDI
3 KARUPPASAMY ... Respondents/Petitioners
4 MADHAVAN ... Respondent-4/Respondent-1

Prayer:-

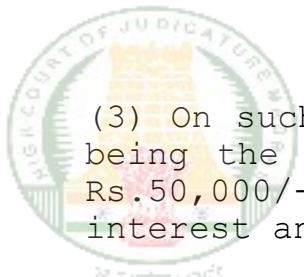
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award passed by the Motor Accident Claims Tribunal (IV Additional District Court), Tirunelveli, in MCOP No.36 of 2012, dated 13.08.2012.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing on Friday, Fifth day of March 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.S.SRINIVASA RAGHAVAN, Advocate for the Appellant and of MR.J.JEYAKUMARAN, Advocate for the respondents 1 and 2, respondents 3 and 4 not appeared either in person or through Counsel, while allowing the appeal in part and modifying the award passed by the Tribunal below, having stood over for consideration till this day, this Court doth order and decree as follows:-

(1) That the award of the Tribunal made in MCOP No.36 of 2012, dated 13.08.2012 on the file of the IV Additional District Court, Tirunelveli be and hereby is modified into Rs.1,00,000/- (Rupees One Lakh Only) from Rs.3,16,500/- (Rupees Three Lakhs sixteen thousand five Hundred only)

(2) That the Appellant/Insurance Company be and hereby is directed to deposit Rs.1,00,000/- (Rupees One Lakh Only) to the Claimants together with interest at the rate of 7.5% p.a. from the date of petition till the date of realization;



(3) On such compliance, the respondents 1 and 2/petitioners 1 and 2 being the parents of the deceased, are permitted to withdraw each Rs.50,000/- (Rupees Fifty Thousand Only) together with accrued interest and costs without filling any petition before the Tribunal;

(4) That the excess amount if any shall be refunded to the Appellant/Insurance Company;

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

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The IV Additional District Judge,
Motor Accident Claims Tribunal,
Tirunelveli.

Copy to:

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

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-19151 dated 10/06/2021)

ORDER DATED : 09/06/2021

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DECREE

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CMA(MD). No.72 of 2013

Nature of Decree:- Partly allowing the Civil Miscellaneous Appeal preferred against the award passed by the Motor Accident Claims Tribunal (IV Additional District Court), Tirunelveli, in MCOP No.36 of 2012, dated 13.08.2012 etc., stated within.

MJ(CO)

TR(25.06.2021) 2P 5C