



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Sixteenth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMA(MD) . No.500 of 2019

1.S.EZHILRANI
2.S.K.Prabhu
3.S.Suvetha

... Appellants/Petitioners

Vs

1 Damarla Chakaravarthi,
2 M/S.ICICI Lombard General Insurance CO LTD,
Rep. BY its Authorized,Signatory,
Office NO.11/1-B, G.V.Complex,,
3rd Floor, Bye - pass road, Madurai District.

... Respondents/Respondents

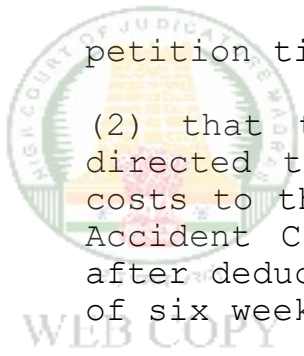
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 , against the award dated 28.02.2019 made in MCOP No.491/2017 on the file of the Motor Accident claims Tribunal / VI Additional District Judge, Madurai.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday seventh day of July, 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.K.Ravi for the Appellant and of Mr.P.Pethu Rajesh for the Second Respondent and First Respondent having not appeared either in person or by an Advocate and having stood over for consideration till this date this court this while allowing the appeal partly allowed doth order and decree as follows:-

(1) that the award dated 28/02/2019 made in M.C.O.P.No.491/2017 on the file of the by the Tribunal/VI Additional District Judge, Madurai be and hereby is enhanced from Rs.45,82,560/- (Fourty Five Lakhs and Eighty Two Thousand and Five Hundred sixty only) to Rs.51,51,183 (fifty One lakhs fifty One thousand One hundred and eighty three only) with interest at 7.5% per annum from the date of



petition till the date of realisation and costs;

(2) that the 2nd respondent /Insurance Company be and hereby is directed to deposit the entire amount together with interest and costs to the credit of M.C.O.P No.491/2017 on the file of the Motor Accident Claims Tribunal / VI Additional District Judge, Madurai, after deducting the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this order;

(3) that the on such deposit being made the first appellant / Claimant be and hereby is permitted to withdraw a sum of Rs.29,51,183/-

(4) that the appellants 2 and 3 / Claimants be and hereby are entitled to withdraw a sum of Rs.11,00,000/- each, with interest and costs.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

THE VI 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

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-29481 dated 17/09/2021)

ORDER DATED : 16/09/2021

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DECREE

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CMA(MD) . No.500 of 2019

Nature of Decree:- Partly allowed the Civil Miscellaneous Appeal preferred against the judgment and decree dated 28/02/2019 passed in MCOP NO 491/2017, on the file of the Motor Accident Claims Tribunal VI Additional District Judge Madurai

KB(07.10.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>