



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

**Tuesday, the Thirtieth day of March Two Thousand and Twenty One
PRESENT**

**The Hon`ble Mrs.Justice PUSHPA SATHYANARAYANA
AND**

**The Hon`ble Mrs.Justice S.KANNAMMAL
CMA(MD) . No.96 of 2019**

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IFFCO TOKIO GENERAL INSURANCE,
COMPANY 88 BALAJI TOWER 1ST FLOOR ,
THADICOMBU ROAD DINDIGUL PO & DT REP ,
THROUGH ITS BRANCH MANAGER ... Appellant / 2nd Respondent

Vs

- 1 V.RAJA,
S/O.VEEERAPPA GOUNDER, OKKALIKAR ST,,
VALAIYATHUPATTI, BOOTHIPURAM (PS),,
BODINAYAKANUR TK, THENI DT..

2 LAKSHMI,
W/O.V.RAJA, OKKALIKAR ST, VALAIYATHUPATTI,,
BOOTHIPURAM (PS), BODINAYAKANUR TK, THENI DT..

3 DHINESHKUMAR,
S/O.RAJA, OKKALIKAR ST, VALAIYATHUPATTI,,
BOOTHIPURAM (PS), BODINAYAKANUR
TALUK, THENI DISTRICT ... 1st to 3rd Respondents /
Petitioners

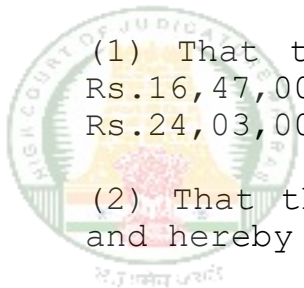
4 M.MURUGESAN,
S/O.MANI, D.NO.359, GANDHIJI ROAD, THENI,
ALLINAGARAM, THENI PO,
THENI DISTRICT ... 4th Respondent / 1st
Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree passed in MCOP No.84 of 2016 dated 08.10.2018 on the file of the Motor Accident Claims Tribunal, Additional District Court, (FTC), Theni.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, 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.V.SAKTHIVEL, Advocate for the Appellant and of MR.K.SURESH KUMAR, Advocate for the first to third respondents, and the fourth respondent not appeared either in person or by an Advocate, while modifying the award of the Tribunal and partly allowing the Civil Miscellaneous Appeal, this Court doth order and decree as follows:-



(1) That the award of the Tribunal be and hereby is reduced to Rs.16,47,000/- (Rupees Sixteen Lakhs forty seven only) from Rs.24,03,000/-.

(2) That the interest granted by the Tribunal at 7.5% per annum be and hereby is confirmed.

(3) That the Award amount is apportioned as per the ratio of apportionment made by the Tribunal.

(4) That the Appellant/Insurance Company be and hereby is directed to deposit the entire award amount to the credit of claim petition, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(5) That the Tribunal be and hereby is directed to refund the excess award amount, if any, to the appellant-Insurance Company.

(6) On such deposit being made, the respondents 1 and 2 / claimants 1 and 2 be and hereby permitted to withdraw their share in the award amount with proportionate accrued interest and costs, less the award amount withdrawn already. and

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

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

THE ADDITIONAL DISTRICT JUDGE, (FTC)
MOTOR ACCIDENT CLAIMS TRIBUNAL,
THENI.

Copy to:

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

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-14326 dated 30/03/2021)

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-14289 dated 30/03/2021)

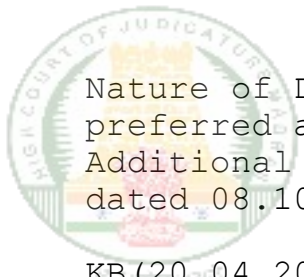
ORDER DATED : 30/03/2021

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DECREE

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CMA(MD) . No.96 of 2019



Nature of Decree:- Partly allowing the Civil Miscellaneous Appeal preferred against the award of the Motor Accident Claims Tribunal, Additional District Court, FTC, Theni made in MCOP No.84 of 2016 dated 08.10.2018 and etc., as stated therein

KB(20.04.2021) 3P 6C

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