



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMA(MD). No.340 of 2020

THE BRANCH MANAGER,
The Oriental Insurance Limited Tiruchi ,
Branch.

... Appellant

Vs

1 SHANTHI

2 Prabhavathi

3 Surya

4 Owner
MMR Blue Metals, No.99/1, Kulathur and Post,
and Taluk, Pudukkottai. (4th respondent,
remained exparte before the lower court).

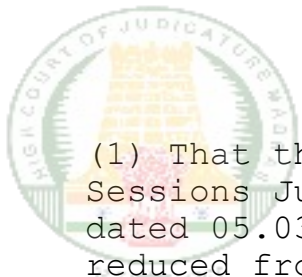
... Respondents

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 cum Sessions Judge, (Full Additional Charge), Mahila Court, Pudukkottai, dated 05.03.2020 made in M.C.O.P No.617 of 2019.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Tuesday the Twenty Seventh day of April, 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. BHASKARAN, Advocate for the Appellant and of Mr. P. GANAPATHI SUBRAMANIAN, Advocate for the 1 to 3 respondents, having stood over for consideration till this day, this Court while partly allowing this Appeal with modification, doth order and decree



(1) That the award passed by the Motor Accident Claims Tribunal cum Sessions Judge, (Full Additional Charge), Mahila Court, Pudukkottai, dated 05.03.2020 made in M.C.O.P No.617 of 2019, be and hereby is reduced from Rs.33,24,000/- (Rupees Thirty Three Lakhs and Twenty Four Thousand only) to Rs. 31,74,000/- (Rupees Thirty One Lakhs and Seventy Four Thousand only) and the Civil Miscellaneous Appeal is partly allowed;

(2) That the Claimants/Respondents 1 to 3 herein, be and hereby are entitled to get the amount awarded by the Tribunal, less Rs.50,000/- (Rupees Fifty Thousand only);

(3) that Appellant/Insurance Company be and hereby is directed to deposit the modified amount with interest at 7.5% per annum, within a period of 8 weeks from the date of receipt of copy of this judgment, if not already deposited;

(4) that the claimants be and are hereby entitled to withdraw their amount, on due application before the Tribunal;

(5) That the parties be and hereby are directed to bear their own costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Sessions Judge, (Full Additional Charge), Mahila Court/
MOTOR ACCIDENT CLAIMS TRIBUNAL, PUDUKOTTAI,

Copy to:

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

+1 CC to M/s.P.GANPATHY SUBRAMANIAN, Advocate (SR-20999 dated 02/07/2021)

+1 CC to M/s.K.BHASKARAN, Advocate (SR-21002 dated 02/07/2021)



WEB COPY

CMA(MD). No.340 of 2020

ORDER DATED : 30/06/2021

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DECREE

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CMA (MD) . No.340 of 2020

This Civil Miscellaneous Appeal partly allowed by reducing the award passed by the MACT cum Sessions Court, Mahila Court, Pudukkottai, dated 5/03/2020 made in MCOP No.617 of 2019.

RK (02.08.2021) 3P 6C