



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

**Tuesday, the Twenty Eighth day of September Two Thousand Twenty One
PRESENT**

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD) . No.778 of 2021

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UNITED INDIA INSURANCE COMPANY LTD
THROUGH ITS DIVISIONAL MANAGER ,
MADURAI OFFICE AT NORTH VELI STREET OPPOSITE ,
TO RAILWAY JUNCTION,
MADURAI.

... Appellant/2nd Respondent

Vs

1.GANESAN
2.KANAGAM
3.JOTHI LAXSHMI,
4.THAMILSELVI
5.MOHAN,

... Respondents 1 to 4 /Petitioners
... 5th Respondent/1st Respondent

6.IFFCO-TOKIO GENERAL INSURANCE CO LTD.,
THROUGH ITS REGIONAL OFFICER,,
MADURAI OFFICE AT 82,
PREETHAM PLAZA,GROUND,
FLOOR, AND 1ST FLOOR,
CHANDRA KANDHI NAGAR,,
PONMENI,MADURAI.

... 6th Respondent/3rd Respondent

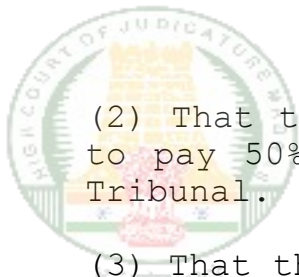
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the IV Addl.District Court for MCOP.Cases, Motor Accidents Claims Tribunal, Madurai,dated 15.10.2020 made in M.C.O.P.No.860 of 2016.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Monday ,the thirteenth day of September, Two Thousand 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.A.SHAJAHAN, Advocate for the Appellant and of MR.V.P.RAJAN FOR M/S. S.HEMA Advocate for 1st to 4th Respondents, and having stood over for consideration till this day, this Court doth order and decree as follows:-

(1) That the Judgment and Decree of the IV Addl.District Court for MCOP.Cases, Motor Accidents Claims Tribunal, Madurai,dated 15.10.2020 made in M.C.O.P.No.860 of 2016 is modified and the Civil Miscellaneous Appeal is partly allowed.



(2) That the Appeallant/Insurance Company be and hereby is directed to pay 50% of the award amount with interest as ordered by the Tribunal.

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

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The IV Addl.District Court for MCOP.Cases,
Motor Accidents 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.A.SHAJAHAN, Advocate(SR-30448 dated 28/09/2021)

ORDER DATED : 28/09/2021

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DECREE

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CMA(MD). No.778 of 2021

Nature of Decree:- Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree of the IV Addl. District Court for MCOP. Cases, Motor Accidents Claims Tribunal, Madurai, dated 15.10.2020 made in M.C.O.P.No.860 of 2016. etc as stated within.

PS (CO)
GC(27.10.2021) 2P 5C