



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Tuesday, the Second day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) . No.385 of 2020

1. NIRMALA MARY
2. CHELLAMMAL
3. AMALADASS
4. JOHN PANDIAN
5. JEROSIN

... Appellants/Claimants

Vs

- 1 MUTHUSAMY
2 United India Insurance Company Limited,
Through its Branch Manager, No.2,
Bhuvaneswari Complex, Dr.Sankaran Road,
Namakkal.

... Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claim Tribunal, I Additional District Judge, Tirunelveli, dated 10.02.2020, made in MCOP No.1439 of 2017.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this day, 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.T.SELVAKUMARAN, Advocate for the Appellant and of C.JAWAHAR RAVINDRAN, Advocate for the 2nd Respondent, this Court while allowing this appeal in part with the modification of award amount, doth order and decree as follows:-

(1) That the award amount passed by the Tribunal below be and hereby is enhanced to sum of Rs.11,39,200/- from Rs.8,27,400/-.

(2) That the 2nd Respondent/ Insurance company be and hereby is directed to deposit the entire compensation amount awarded herewith, together with interest of 7.5 % from the date of petition till the date deposit to the credit of MCOP No.1439 of 2017 on the file of the Tribunal below after deducting the amount already deposited if any, within a period of 4 weeks from the date of receipt of copy of this judgment.

(3) That on such deposit being made, the Appellants/Claimants shall withdraw their respective shares in the ratio apportioned by the Tribunal with interest, without filling formal permission petition before the Tribunal.



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

Sd/-

Assistant Registrar (CSIII)

// True Copy //

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Sub Assistant Registrar(CS)

TO

1. I Additional District and sessions Judge,
The Motor Accident Claim Tribunal,
Tirunelveli.

Copy to:

The Record Keeper

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

ORDER DATED : 02/03/2021

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DECREE

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CMA(MD). No.385 of 2020

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the Motor Accident Claim Tribunal, I Additional District Judge, Tirunelveli, dated 10.02.2020, made in MCOP No.1439 of 2017 etc, stated herewith.

KB(17.03.2021) 2P 4C

(CO)

KB(18.03.2021) 2P C



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