



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Civil Appellate Jurisdiction )

Wednesday, the Twenty Fourth day of February Two Thousand and  
Twenty One

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PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) . No.663 of 2020

- 1.MRS.K.RAJAKUMARI
- 2.MINOR K.SUNDARESHWARI
- 3.MINOR K.SUGANYA
- 4.MINOR K.YOHESWARAN
- 5.MRS.M.SUBBAMMAL

(Minors 2 to 4 Appellants rep. through  
their Mother/Natural Guardian Mrs.K.Rajakumari)

... Appellants/Claimants

-Vs-

- 1 THE CHAIRMAN,  
SRIPAK LOGISTICS (PVT)LTD.,  
NO. 48/2, 2ND FLOOR, RAJAJI SALAI,  
CHENNAI - 600 001..
- 2 THE BRANCH MANAGER,  
HDFC ERGO GENERAL INSURANCE CO. LTD.,  
D.NO.9, KAMARAJAR SALAI, REKSH TOWERS,  
MADURAI -605 009.

... Respondents/Respondents

**Prayer:**

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the fair and decreetal order passed in M.C.O.P.No.1983 of 2017 on the file of the learned District and Sessions Judge / Communal Clashes Court / Motor Accident Claims Tribunal, Madurai ,dated 06.01.2020.

**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.K.KUMARAVEL, Advocate for the Appellants and of MR.J.S.MURALI, Advocate for the 2<sup>nd</sup> Respondent and the 1<sup>st</sup> Respondent set exparte before the Tribunal below and the



Civil Miscellaneous Appeal is allowed in part and in modification of the award, this Court doth order and decree as follows:-

(1) that the Compensation passed in M.C.O.P.No.1983 of 2017 on the file of the learned District and Sessions Judge / Communal Clashes Court / Motor Accident Claims Tribunal, Madurai, dated 06.01.2020 be and hereby is enhanced to Rs.34,03,736/- (Rupees, Thirty four lakhs three thousand seven hundred and thirty six only) instead of Rs.25,52,802/- as awarded by the Tribunal below;

(2) that the 2<sup>nd</sup> Respondent herein/Insurance Company be and hereby is directed to deposit the modified compensation of Rs.34,03,736/- (Rupees, Thirty four lakhs three thousand seven hundred and thirty six only) with 7.5% interest per annum from the date of petition till the date of deposit, and costs, less the amount already deposited, if any, to the credit of the claim petition within a period of eight weeks from the date of receipt of a copy of the Judgment;

(3) that from the enhanced portion of compensation ie, Rs.8,50,934/-, the 1<sup>st</sup> Appellant herein/1 Claimant be and hereby is entitled to get Rs.4,50,934/- (Rupees, Four lakhs fifty thousand nine hundred and thirty four only) and the Appellants 2 to 5 herein/ 2 to 5 Claimants be and hereby are entitled to get Rs.1.00,000/- (Rupees. One Lakh only) each;

(4) that on such deposit being made, the 1<sup>st</sup> and 5<sup>th</sup> Appellants herein/1<sup>st</sup> and 5<sup>th</sup> Claimants are permitted to withdraw their share with proportionate interest without filing formal permission petition before the Tribunal below;

(5) that the rest of the directions granted by the Tribunal below be and hereby are remain undisturbed; and

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

Sd/-

Assistant Registrar (CO)

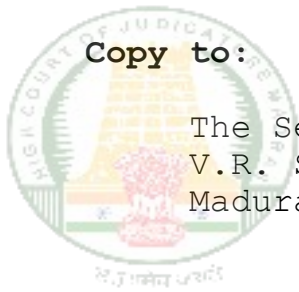
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/ /2021

Sub Assistant Registrar (CS)

TO

The District and Sessions Judge,  
Communal Clashes Court,  
Motor Accident Claims Tribunal, Madurai



**Copy to:**

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

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**ORDER DATED : 24/02/2021**

**+ Judgment**

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**DECREE**

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**CMA(MD) . No.663 of 2020**

**Nature of Decree:- Allowing  
the Civil Miscellaneous  
Appeal in part preferred against the  
fair and decreetal order passed in  
M.C.O.P.No.1983 of 2017 on the file  
of the learned District and Sessions  
Judge / Communal Clashes Court /  
Motor Accident Claims Tribunal,  
Madurai ,dated 06.01.2020, etc as  
stated with in.**

MGJ(30.07.2021) 3P 4C