



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

Friday, the Twenty Sixth day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.102 of 2014

Divisional Manager, Oriental Insurance Co.Ltd.,
Divisional Office, 1,108 T.V.K.Road,
2nd Floor, Post Box No.53, Madurai-1.

... Appellant / 2nd Respondent

- Vs. -

1. Kathammal, W/o.Late.Chandran, Middle St.,
Ramayanaickanpatti, Viralipattipost, Nilakkottai Po & Tk,
Dindigul District.
Satheeshkumar (Decd)
2. Brindavanam, D/o.Selvam, Main Road, Kamakkapatti,
Ganguvarpatti Po, Periyakulam Tk, Theni District.
3. Jeyapriya, D/o.Late.Chandran, Middle St.,
Ramayanaickanpatti, Viralipattipost, Nilakkottai Po & Tk,
Dindigul District.
4. Ayyammal, W/o.Late.Gurumbathevar, Middle St.,
Ramayanaickanpatti, Viralipattipost, Nilakkottai Po & Tk,
Dindigul District.
5. Anitha, W/o.Late.Satheeshkumar, Ambapuram,
Ganguvarpatti Po, Periyakulam Tk, Theni District.
6. Minor.Sanjeevan, S/o.Late.Satheeshkumar, Ambapuram,
Ganguvarpatti Po, Periyakulam Tk, Theni District.
7. Minor.Suthan, S/o.Late.Satheeshkumar, Ambapuram,
Ganguvarpatti Po, Per iyakulam Tk, Theni District.
(R6 & 7 Rep.By Mother R5 Anitha)

... 1st to 7th Respondents / Petitioners



8. Anitha, W/o.Senthamilpandi, 4/127,
Middle St., Viralipatti, Batlagundu Via, Nilakkottai Taluk.

... 8th Respondent / 1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the fair and decreetal order dt.29.08.2011 made in MCOP No.709 of 2006 on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, Fast Track Court, Dindigul.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing on Tuesday, the Fourteenth day of September Two thousand and twenty one, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers in the Suit and upon hearing the arguments of Mr.E.Chandrasekar, Advocate for the Appellant and Mr.A.Saravanan, Advocate for first to seventh respondents and eighth respondent set exparte, having stood over for consideration till this date, this Court doth order and decree as follows:-

(1) That the award of the Motor Accident Claims Tribunal, I Additional District and Sessions Judge, Tirunelveli in MCOP No.709 of 2006 dated 29.08.2011 be and is hereby modified and the Civil Miscellaneous Appeal is partly allowed.

(2) That the Appellant be and is hereby directed to deposit Rs.4,03,000/- (Rupees Four Lakhs and three thousand only) with 7.5% interest from the date of claim petition till the date of realization with cost and the amount has to be deposited within a period of eight weeks from the date of receipt of copy of this order.

(3) On such deposit, the claimants are permitted to withdraw their respective shares with interest after deducting any amount received by them earlier.

(4) That the claimants are not entitled for interest for the default period, if there is any.

(5) That the excess amount, if any deposited shall be refunded to the Appellant.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court, Dindigul.

Copy to:

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

+2 CC to M/s.E.Chandrasekaran, Advocate SR-36458,36459 30/11/2021

+2 CC to M/s.A.Saravnan, Advocate SR-35979,35980 dated 26/11/2021

ORDER DATED : 26/11/2021

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DECREE
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CMA (MD) . No.102 of 2014

**Nature of Decree:- Partly
Allowing the Civil
Miscellaneous Appeal preferred
against the award dated
29.08.2011 in MCOP No.709 of
20067 on the file of the
Additional District Judge,
(Fast Track Court) Dindigul as
stated within etc.,**

SA (27.01.2022) 3P 8C