



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Eighth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD) . No.1223 of 2014

and

CROSS OBJECTION (MD) No.14 of 2019

CMA(MD) No.1223 of 2014

THE ORIENTAL INSURANCE CO.LTD,
THROUGH ITS DIVISIONAL MANAGER
NORTH VELI STREET
MADURAI

.. Appellant / 2nd Respondent

Vs

1 S.AMSAVALLI,
W/O.LATE.K.SEKAR, D.NO.85C, 8th ST.,
BALU ST. S.S.COLONY, MADURAI DISTRICT..

2 S.ANBARASAN,
S/O.LATE.K.SEKAR, D.NO.85C, 8th ST.,
BALU ST. S.S.COLONY,
MADURAI DISTRICT ... 1st and 2nd Respondent / Petitioners

3 S.KAJA MAHAIDEEN,
S/O.SHEIK ABDUL KADHAR, PROP. MADURAI,
RAMANATHAPURAM TRANSPORT,
D.NO.8B, NATHAM ROAD,
MADURAI 625 002 ... 3rd Respondent / 1st Respondent

CROSS OBJECTION (MD) No.14 of 2019

1 S.AMSAVALLI,
W/O.LATE.K.SEKAR, D.NO.85C, 8th H ST.,
BALU ST. S.S.COLONY, MADURAI DISTRICT..

2 S.ANBARASAN,
S/O.LATE.K.SEKAR, D.NO.85C,
8TH ST., BALU ST., S.S.COLONY,
MADURAI DISTRICT .. 1st and 2nd Respondent / Petitioners



Prayer in CMA (MD) No.1223 of 2014 :-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, Additional District and Sessions Judge, Communal Clashes Court, Madurai in MCOP No.1868 of 2009 dated 26.04.2013.

Prayer in Cross Objection (MD) No.14 of 2019

Cross Objection has been filed under Order 41 Rule 22 of the Civil Procedure Code against the award passed by the Motor Accident Claims Tribunal, Additional District and Sessions Judge, Madurai in MCOP No.1868 of 2009 dated 26.04.2013.

DECREE:-

This Civil Miscellaneous Appeal and Cross Objection 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.C.Ramachandran, Advocate for the Appellant in CMA(MD) No.1223 of 2014 and Advocate for first respondent in Cross Objection No.14 of 2019 and Mr.K.Kumaravel, Advocate for first and second respondent in CMA(MD) No.1223 of 2014 and Advocate for Cross Objectors in Cross Objection No.14 of 2019 and third respondent in CMA(MD) No.1223 of 2014 and second respondent in Cross Objection not appeared either in person or by an Advocate, while modifying the award of the Tribunal and disposing the Civil Miscellaneous Appeal and Cross Objection, the Respondent/Cross Appellants having filed Additional Court Fee for Rs.7,413/- vide USR No.14534 dated 08.07.2021 before this Court, and having stood over for consideration till this date, this court doth order and decree as follows :-

(1) That the award amount be and hereby is enhanced to Rs.15,82,000/- (Rupees Fifteen Lakhs eighty two thousand only) from Rs.6,78,000/-.

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the modified award amount together with interest @ 7.5% p.a. from the date of petition till the date of deposit, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment.

(3) That on such deposit being made, the first claimant be and is hereby permitted to withdraw Rs.15,00,000/- and the second claimant is entitled to withdraw Rs.82,000/- together with accrued interest and costs, without filing any petition.



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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Additional District and Sessions Judge,
Motor Accident 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.K.KUMARAVEL, Advocate (SR-18994 dated 08/06/2021)

ORDER DATED : 08/06/2021

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DECREE

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CMA(MD). No.1223 of 2014

and

Cross Objn.(MD) No.14 of 2019

Nature of Decree:- Disposing
the Civil Miscellaneous Appeal
and Cross Objection preferred
against the award of the Motor
Accident Claims Tribunal,
Additional District and
Sessions Court, Madurai in MCOP
No.1868 of 2009 dated
26.04.2013 and etc., as stated
therein.

KMK (CO)

TR(14.07.2021) 3P 5C