



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

**Thursday, the Twenty Ninth day of July Two Thousand Twenty One
PRESENT**

**The Hon`ble Mr.Justice K.KALYANASUNDARAM
AND**

The Hon`ble Mr.Justice B.PUGALENDHI

**CMA(MD) . No.1328 of 2014
and
CMA(MD) No.318 of 2017**

CMA(MD) No.1328 of 2014

THE NEW INDIA ASSURANCE,
COMPANY LIMITED THRO ITS MANAGER,
CANTONMENT NO. 43A/2 SUMAN CENTRE,
PROMENADE ROAD TRICHI DT
T.M. RALUK.

... Appellant / 2nd Respondent

Vs

1 DR. BANUMATHI, D/O. KASINATHAN
W/O. SARAVANAN WINNAGAL 7TH STREET,,
KATTOOR 19 TRICHY NOW AT C.17, OLD HOUSING,
UNIT, PATTUKKOTTAI TOWN, THANJAVUR DT.

2 RENUGADEVI, D/O. KASINATHAN
W/O. BALAGANESH, WINNAGAL 7TH STREET,,
KATTOOR 19 TRICHY NOW AT C.17, OLD HOUSING,
UNIT, PATTUKKOTTAI TOWN,
THANJAVUR DT.

... 1st & 2nd Respondent/Petitioners

3 JOSEPH
S/O. SASNDHIYAGU, NO. 21, NEDUNCHEZHIAN,
STREET, SANGILIANDAPURAM,
TRICHY DT T.M.TALUK

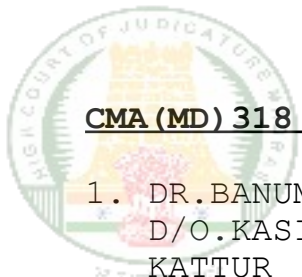
... 3rd Respondent / 1st Respondent

4 PANNERSELVAM
S/O. ARUMUGAM 1ST CROSS, 2ND MAIN ROAD,,.
KARUMANDAPAM,
TRICHY DT AND T.M. TALUK.

...4th Respondent / 3rd Respondent

5 IFFCO-TOKYO INSURANCE
COMPANY LTD, THRO ITS MANAGER, NO. 195, 3RD,
FLOOR, THULASI CHAMBER, T.V. SWAMY ROAD,
R.S.PURAM, COIMBATORE DT AND
T.M. TALUK.

... 5th Respondent / 4th Respondent



CMA(MD) 318 of 2017

1. DR.BANUMATHI,
D/O.KASINATHAN 19 7TH ST WEST WIN NAGAR ,
KATTUR TRICHY NOW AT C-17 OLD HOUSING ,
UNIT PATTUKKOTTAI
THANJAVUR DT

- 2 RENUGADEVI, D/O. KASINATHAN
W/O. BALAGANESH, WINNAGAL 7TH STREET,,
KATTOOR 19 TRICHY NOW AT C.17, OLD HOUSING,
UNIT, PATTUKKOTTAI TOWN,
THANJAVUR DT. ... Appellants / Claimants

Vs

- 1 JOSEPH
S/O.SANTHIYAGU,NO.21, NEDUNCHEZHIAN ST,,
SANGILIYANDAPURAM, TIRUCHIRAPPALLI TK & DT..

- 2 THE MANAGER
THE NEW INDIA ASSURANCE COMPANY, NO.43/A/2,,
SUMAN CENTRE, PROMENADE ROAD, CANTONMENT,,
TIRUCHIRAPPALLI..

- 3 PANNEERSELVAM
S/O.ARUMUGAM, 2ND MAIN ROAD, 1ST CROSSING,,
KARUMANDAPAM, TIRUCHIRAPPALLI DT..

- 4 THE MANAGER
IFCO TOKYA INS.CO., NO.195, 3RD FLOOR,,
THULASI CHAMBER, T.V.SWAMY ROAD,
COIMBATORE ...1st to 4th Respondents/Respondents

Prayer:-

These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 29.08.2013 in MCOP No.118 of 2008 of the Motor Accident Claims Tribunal, Subordinate Court, Pattukottai.

DECREE:-

These Civil Miscellaneous Appeals having come up for final hearing on Friday, the Twenty third day of July Two thousand and 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.J.S.MURALI, Advocate for the Appellant in CMA (MD) 1328 of 2014 and Advocate for second respondent in CMA(MD) No.318 / 2017 and of Mr.S.DEENADHAYALAN, Advocate for first and second respondent in CMA(MD) No.1328 / 2014 and Appellant in CMA(MD) No.318 / 2017 and of Mr.V.SAKTHIVEL, Advocate for the fifth



respondent in CMA(MD) No.1328 / 2014 and Advocate for fourth respondent in CMA(MD) No.318 / 2017 , and having stood over for consideration till this date, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Subordinate Court, Pattukottai made in MCOP No.118 of 2008 dated 29.08.2013 is modified and the CMA(MD) No.318 of 2017 is partly allowed and the CMA(MD) No.1328 of 2014 is dismissed.

(2) That the award amount is enhanced from Rs.2,98,000/- to Rs.3,58,000/- (Rupees Three Lakhs fifty eight thousand only) which is rounded off to R.3,60,000/- (Rupees Three lakhs sixty thousand only) with interest at the rate of 7.5% p.a.

(3) That the claimants are entitled to receive the modified award amount along with interest at the rate of 7.5% from the date of petition till the date of realization, less the amount already withdrawn.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
PATTUKOTTAI.

Copy to:

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

+2 CCs to M/s.J.S.MURALI, Advocate (SR-24508 & 24511 dt 29/07/2021)

+2 CCs to M/s.S.DEENADHAYALAN, Advocate (SR-24631 & 24633
30/07/2021)



WEB COPY

CMA(MD). No.1328 of 2014

ORDER DATED : 29/07/2021

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DECREE

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CMA (MD) . No.1328 of 2014
and
CMA (MD) No.318 of 2017

Nature of Decree:- Dismissing the CMA (MD) 1328 of 2014 and Partly Allowing the CMA (MD) No.318 of 2017 preferred against the award of the Subordinate Court, Motor Accident Claims Tribunal, Subordinate Court, Pattukottai in MCOP No.118 of 2008 dated 29.08.2013 and etc., as stated therein

KMK (CO)
GC (26.10.2021) 4P 8C