



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Thirteenth day of December Two Thousand Twenty One

WEB COPY

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CMA(MD) . No.6 of 2014

UNITED INDIA INSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
5/1 ALAGU BAGAVATHY COMPLEX,
KAILASAPURAM MIDDLE STREET, TIRUNELVELI.

... Appellant/ 2nd Respondent

Vs

1 LAKSHMI

2 CHANDRASEKAR

3 ARUMUGAM

... Respondents No.1 to 3/ Claimants

4 POOVAMMAL

... Respondent No.4/ Respondent No.1

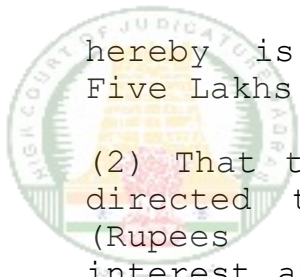
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal cum III Additional District and Sessions Judge, Tirunelveli, dated 25.07.2013 made in MCOP No.821 of 2012.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Thursday, Twenty first day of October Two Thousand 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.A.S.MATHIALAGAN, Advocate for the Appellant and of MR.T.SELVAKUMARAN, Advocate for the Respondents No.1 to 3 and of MR.K.SELVAN, Advocate for the 4th respondent and having stood over for consideration till this day, this Court while allowing this appeal in part doth order and decree as follows:-

(1) That, the award passed by the the Motor Accident Claims Tribunal cum III Additional District and Sessions Judge, Tirunelveli, dated 25.07.2013 made in MCOP No.821 of 2012 be and



hereby is reduced from Rs.5,07,000/- to Rs.5,02,000/- (Rupees Five Lakhs and Two Thousand only)

(2) That the Appellant herein/Insurance Company be and hereby is directed to deposit the entire compensation of Rs.5,02,000/- (Rupees Five Lakhs and Two Thousand only) together with interest at 7.5% p.a. from the date of petition till the date of deposit and cost within a period of 8 weeks from the date of receipt of copy of this judgment, if not already deposited.

(3) That on such deposit being made, the 1st Respondent herein / the first Claimant be and is hereby entitled to sum of Rs.4,00,000/- along with cost and the 2nd and 3rd Respondents herein / the 2nd and 3rd Claimants be and are hereby entitled to a share of Rs.51,000/- each.

(4) That on such deposit being made, the Respondents 1 to 3 herein / the Claimants be and are hereby permitted to withdraw their respective shares with proportionate interest as apportioned by this Court, after deducting any amount received by them earlier;

(5) That the Respondents 1 to 3 herein / the Claimants be and hereby are not entitled for interest for the default period, if any;

(6) that the excess amount if any shall be refunded to the appellant herein/ Insurance company;

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Judge,
Motor Accident Claims Tribunal
cum III Additional District and Sessions Judge,
Tirunelveli.

Copy to:

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

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-38907 dated 15/12/2021)
<https://hcservices.ecourts.gov.in/hcservices/>

+1 CC to M/s.A.S.MATHIALAGAN, Advocate (SR-38639 dated 14/12/2021)



WEB COPY

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-38320 dated 13/12/2021)

ORDER DATED : 13/12/2021

=====

DECREE

=====

CMA(MD) . No.6 of 2014

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the the Motor Accident Claims Tribunal cum III Additional District and Sessions Judge, Tirunelveli, dated 25.07.2013 made in MCOP No.821 of 2012

MGJ(12.01.2022) 3P 7C