



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

(Civil Appellate jurisdiction)

Wednesday, the Twenty fourth day of November Two Thousand Twenty Two
PRESENT

The Hon'ble MRS.Justice S.ANANTHI

C.M.A. (MD) No.841 of 2014

WEB COPY

The Branch Manager,
The New India Assurance Company Limited,
Door No.84-A, Trivandrum Road,
Palayamkottai, Tirunelveli.

... Appellant/2nd Respondent

VS

1.Valliammal
2.Murugapandi
3.Parvathy
4.Muthusamy
5.Pazhani
6.Vellapandi
7.Gomathiammal

... Respondents 1 to 5/Petitioners

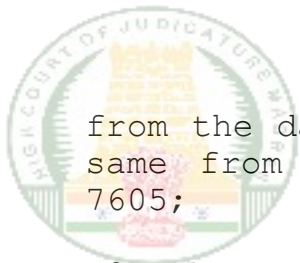
... 6 & 7th respondents/1 & 3rd respondents

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 01/10/2013 in M.C.O.P.No.106 of 2011 on the file of the learned Motor Accident Claims Tribunal/II Additional District Judge, Tirunelveli.

DECREE :- This Civil Miscellaneous Appeal having come up for final hearing on this day; upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to this case and upon hearing the arguments of Mr.B.Vijay Karthikeyan. Advocate for the Appellant, Mr.V.Susi Kumar, Advocate for the Respondents 1 to 5 and the 6 & 7th respondents having not appearing either in person or through a Counsel; this Court while allowing this appeal; doth order and decree as follows:-

(1) That the Quantum of Compensation awarded in M.C.O.P.No.106 of 2011 dated 01.10.2013 the file of the learned Motor Accident Claims Tribunal in Additional District Judge, Trinelveli be and hereby is confirmed and the rate of interest is be and hereby reduced from 8% to 7.5%;

(2) That the appellant herein/Insurance Company be and hereby is directed to deposit the compensation awarded by the Tribunal Rs.4,60,000/- (Rupees Four Lakhs and Sixty Thousand Only) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.106 of 2011 on the file of the learned Motor Accidents Claims Tribunal/II Additional District Judge, Tirunelveli within a period of four weeks



from the date of receipt of copy of this order and then recover the same from the owner of the auto bearing Registration No.TN 76 B 7605;

(3) That on such deposit is being made, the respondents 1 to 5 and 7 herein be and hereby are permitted to withdraw the same as per apportionment by the Tribunal, after following due process of Law; and

(4) That the apportionment granted by the tribunal shall be kept intact,

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL/
II ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

COPY TO

THE SECTION OFFICER,
V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 COPIES)

+1CC to Mr.B.Vijay Karthikeyan, Advocate in SR.No.35788
+1CC to Mr.V.Sasi Kumar, Advocate in SR.No.35820

ORDER DATED : 24/11/2021

DECREE

CMA(MD) No.841 of 2014

**Allowing the Civil Miscellaneous
Appeal preferred against the award
dated 01.10.2013 in M.C.O.P.No.106
of 2011 on the file of the learned
Motor Accident Claims Tribunal / II
Additional District Judge,
Tirunelveli etc., as stated within.**

RS (27.01.2022) 2P-6C

<https://hcservices.ecourts.gov.in/hcservices/>