



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

Wednesday, the Thirtieth day of June Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
AND

The Hon`ble Mr.Justice B.PUGALENDHI

CMA (MD) . No.979 of 2014
and
CMA (MD) No.305 of 2015

CMA (MD) No.979 of 2014

THE MANAGER,,
ORIENTAL INSURANCE CO.LTD. NAGERCOIL BRANCH ,
NAGERCOIL VILLAGE AGASTEESWARAM TALUK
KANNIYAKUMARI DISTRICT ... Appellant / 3rd Respondent

Vs

- 1 T.RAJAMONI, S/O.THASON,
D.NO.19/1638, THAMBURAN KONAM,
PILANKALAI, MEKKAMANDAPAM PO,
KALKULAM TALUK, K.K.DIST ... 1st Respondent / Petitioner
- 2 PAULRAJ,
S/O.PERUMAL NADAR, MELAVILAI,
POONTHOPPU, KANNANOR PO,
KALKULAM TALUK, K.K.DIST ... 2nd Respondent/1st Respondent
- 3 P.VIJILA,
W/O.PAUL RAJ, POONTHOPPU,
KANNANOR PO, KALKULAM TALUK,
K.K.DIST ... 3rd Respondent / 2nd Respondent

CMA (MD) No.305 of 2015

T.RAJAMONI,,
S/O.THASON D.NO. 19/163E THAMBURAN ,
KONAM PILANKALAI MEKKAMANDAPAM POST ,
KALKULAM TK KANNYAKUMARI DT ... Appellant / Petitioner



1 PAULRAJ,
S/O.PERUMAL NADAR, MELAVILAI, POONTHOPPU,,
KANNANOR POST, KALKULAM TK, KANYAKUMARI DT..

2 VIJILA P.
W/O.PAUL RAJ, POONTHOPPU, KANNANOR POST,,
KALKULAM TK, KANYAKUMARI DT..

3 THE MANAGER,
ORIENTAL INSURANCE CO LTD., NAGERCOIL,
BRANCH, NAGERCOIL VILLAGE,
AGASTEESWARAM,
TK, KANYAKUMARI DT

... Respondents / Respondents

Common Prayer:-

Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 19.05.2014 made in MCOP No.34 of 2013 on the file of the Motor Accident Claims Tribunal, Special Court for Forest Offence case), Nagercoil.

DECREE:-

These Civil Miscellaneous Appeals are 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.JAWAHAR RAVINDRAN for C.RAMACHANDRAN, Advocate for the Appellant in CMA(MD) No.979 of 2014 and Advocate for third respondent in CMA (MD) No.305 OF 2015 and of Mr.C.SANKAR PRAKASH, Advocate for the first respondent in CMA(MD) No.979 of 2014 and Advocate for Appellant in CMA(MD) No.305 of 2015 while modifying the award of the Tribunal and Partly Allowing the CMA(MD) No.979 of 2014 and dismissing the CMA(MD) No.305 of 2015, this Court doth order and decree as follows:-

- (1) That the award amount is reduced to Rs.6,69,017/- (Rupees Six Lakhs sixty nine thousand and seventeen only) from Rs.21,35,017/-.
- (2) That the claimant is permitted to withdraw the modified amount.
- (3) That the tribunal be and is hereby directed to refund the excess amount to the Appellant / Insurance Company.
- (4) That there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

THE SPECIAL JUDGE,
SPECIAL COURT FOR FOREST OFFENCE CASES
MOTOR ACCIDENT CLAIMS TRIBUNAL,
NAGERCOIL.

Copy to:

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

+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-20852 dated 01/07/2021)

+1 CC to M/s.C.RAMACHANDRAN, Advocate (SR-20854 dated 01/07/2021)

ORDER DATED : 30/06/2021

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D E C R E E

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CMA(MD). No.979 of 2014
and CMA(MD) No.305 of 2015

Nature of Decree:- Partly
Allowing CMA(MD) No.979 of
2014 and dismissing the CMA
(MD) No.305 of 2015 the
Civil Miscellaneous Appeal
preferred against the award
of the Motor Accident
Claims Tribunal, Special
Court for Forest Offence
cases, Nagercoil in MCOP
No.34 of 2013 dated
19.05.2014 and etc., as
stated therein

KMK (CO)
TR(05.08.2021) 3P 6C