



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

Tuesday, the Twenty Third day of March Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI
CMA(MD)No.1087 of 2016

WEB COPY

THE BRANCH MANAGER,
ROYAL SUNDARAM ALLIANCE INSURANCE CO LTD.,
176-D & E TRIVANDRUM ROAD VANNARPETTAI,
TIRUNELVELI.

... **Appellant/2nd Respondent**

/ **VERSUS** /

1 CHELLATHAI
2 PAPPA @ KUTTY PAPPA
3 VIJAYALAKSHMI
4 PACKIYARAJ

... **Respondents 1 to 3/Petitioners**
... **4th Respondent/1st Respondent**

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal, II Additional District and Sessions Court, Tirunelveli, dated 08/02/2016 made in MCOP No. 741 of 2015.

DECREE:-This Civil Miscellaneous Appeal having come up for final hearing on Monday, the Eleventh day of January, 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.S.SRINIVASA RAGHAVAN, Advocate for the Appellant and of MR.V.SASIKUMAR, Advocate for the Respondents 1 to 3 and the 4th Respondent not appeared either in person or by an advocate and having stood over for consideration till this day, this Court while allowing the Appeal in Part, doth order and decree as follows:-

(1) That, the award passed by the Motor Accident Claims Tribunal, II Additional District and Sessions Court, Tirunelveli, dated 08/02/2016 made in MCOP No. 741 of 2015 be and hereby reduced to Rs.7,79,244/- (Rupees Seven Lakhs Seventy Nine Thousand Two hundred and Forty Four only) from Rs.8,16,600/- ;

(2) that, the interest award passed by the Motor Accident Claims Tribunal, II Additional District and Sessions Court, Tirunelveli, dated 08/02/2016 made in MCOP No. 741 of 2015 be and hereby reduced to 7.5 % from 9 % p.a. ;

(3) that, the Appellant/Insurance Company be and hereby directed to deposit the modified amount together with interest at 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 ;



(4) that, on such compliance, all the claimants be and are hereby entitled to withdraw the modified award amount as per the apportionment fixed by the tribunal and the excess amount, if any shall be refunded to the Appellant Insurance Company; and

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
II ADDITIONAL DISTRICT AND SESSIONS COURT,
TIRUNELVELI.

Copy to:

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

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-13192 dated 24/03/2021)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-13237 dated 24/03/2021)

ORDER DATED : 23/03/2021

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DECREE

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CMA(MD). No.1087 of 2016

Nature of Decree:- Allowing the Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal, II Additional District and Sessions Court, Tirunelveli, dated 08/02/2016 made in MCOP No.741 of 2015 and etc. as stated within.

SGS (CO)

TR(07.06.2021) 2P 6C