



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twenty Ninth day of July 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.210 of 2016

and

CMA(MD) No.310 of 2016

CMA(MD) No.210 of 2016

1.DR. BANUMATHI,
D/O. KASINATAN

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 / 1st and 2nd
Claimants

.Vs.

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

... 3rd Respondent / 1st Respondent

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

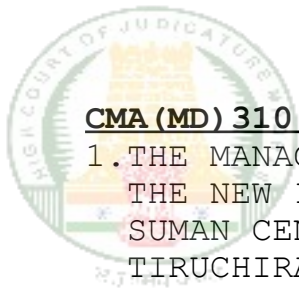
3.PANNERSELVAM

4.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

... 1st to 4th Respondents / Respondents

5.MARIMUTHAMMAL

.... 5th Respondents / 3rd Claimant



CMA(MD) 310 of 2016

1. THE MANAGER
THE NEW INDIA ASSURANCE COMPANY, NO.43/A/2,,
SUMAN CENTRE, PROMENADE ROAD, CANTONMENT,,
TIRUCHIRAPPALLI ... Appellant / 2nd Respondent
.Vs.
1.DR.BANUMATHI ... Appellants / Claimants
2.RENUGADEVI, ... 1st to 3rd Respondents /
3.MARIMUTHAMMAL ... Petitioners
4 JOSEPH ... 4th Respondent / 1st Respondent
5.PANNEERSELVAM ... 5th Respondents / 3rd Respondent
6.THE MANAGER
IFFCO TOKYA INS.CO., NO.195, 3RD FLOOR,,
THULASI CHAMBER, T.V.SWAMY ROAD,
COIMBATORE ... 6th Respondents / 4th 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.116 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.S.DEENADHAYALAN, Advocate for the Appellant in CMA (MD) No.210 of 2016 and Advocate for first and second respondent in CMA(MD) No.310 of 2016, and of Mr.J.S.MURALI, Advocate for second respondent in CMA(MD) No.210 of 2016 and Advocate for Appellant in CMA(MD) No.310 of 2016 Mr.V.SAKTHIVEL, Advocate for the fourth respondent in CMA(MD) No.210 of 2016 and Advocate for sixth respondent in CMA(MD) No.310 of 2016, 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.116 of 2008 dated 29.08.2013 is modified and the CMA(MD) No.310 of 2016 is partly allowed and the CMA(MD) No.210 of 2016 is dismissed.

(2) That the award amount is reduced from Rs.37,30,000/- to Rs.30,06,000/- (Rupees Thirty Lakhs and six thousand only) ;

(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 the excess amount, if any, shall be returned to the Appellant/Insurance Company.

(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 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-24509 & 24510 dt.29/07/2021)

+2 CCs to M/s.S.DEENADHAYALAN, Advocate (SR-24635 & 24634
30/07/2021)

+1 Ccs to M/s.V.SAKTHIVEL, Advocate (SR.24640 dt.30/07/2021)

ORDER DATED : 29/07/2021

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DECREE

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CMA(MD). No.210 of 2016
and
CMA(MD) No.310 of 2016

Nature of Decree:- Dismissing the CMA(MD) 210 of 2016 and Partly Allowing the CMA(MD) No.310 of 2016 preferred against the award of the Subordinate Court, Motor Accident Claims Tribunal, Subordinate Court, Pattukottai in MCOP No.116 of 2008 dated 29.08.2013 and etc., as stated therein

KMK (CO)
GC (26.10.2021) 3P 9C