



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Eleventh day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD)No.25 of 2016

THE MANAGER,

ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD.,

ATP TOWERS, 5TH FLOOR, 12-A, BYE PASS ROAD,

MADURAI.

... Appellant/2nd Respondent

/ VERSUS /

1 DURAI

2 SUSEELA

3 SRIRAM

4 MINOR. VARADARAJAN

5 MINOR DURGA

...Respondents 1 to 5/Petitioners

(RESPONDENTS 4 & 5 ARE REP BY ITS

FATHER AND GUARDIAN 1ST RESPONDENT)

6 R. VIJAYAKUMAR

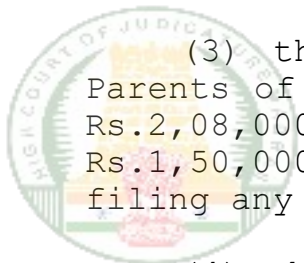
... 6th Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against award of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam, dated 23.12.2014 made in M.C.O.P.No. 110 of 2014.

DECREE:-This Civil Miscellaneous Appeal coming up for hearing on this day, upon perusing the Grounds of Appeal, the award 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.B.ANANDAN, ADVOCATE FOR THE RESPONDENTS 1 TO 5 and the Sixth Respondent not appeared either in person or by an advocate, 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 (Chief Judicial Magistrate), Thanjavur at Kumbakonam, dated 23.12.2014 made in M.C.O.P.No.110 of 2014 be and hereby is reduced to a sum of Rs.8,66,000/- (Rupees Eight Lakhs and Sixty Six Thousand only) from Rs.9,05,000/- ;

(2) That, the Appellant/Insurance Company be and hereby directed to deposit the modified award amount together with interest @ 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 ;



(3) that, on such compliance, the Respondents 1 and 2 being Parents of the deceased are each be and hereby entitled to withdraw Rs.2,08,000/- each and the Respondents 3 to 5 entitled to get each Rs.1,50,000/- together with accrued interest and costs without filing any formal petition ;

(4) that, the Respondents 4 & 5/Claimants 4 & 5, who attained majority now, be and hereby also entitled to withdraw their share together with accrued interest and costs, by filing necessary petition before the Tribunal and

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The MOTOR ACCIDENT CLAIMS TRIBUNAL,
Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

Copy to:

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

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-4591)

ORDER DATED : 11/02/2021

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DECREE

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CMA(MD)No.25 of 2016

Nature of Decree:- ALLOWING THE APPEAL IN PART preferred against award of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam, dated 23.12.2014 made in M.C.O.P.No.110 of 2014 and etc. as stated within.

KB(25.06.2021) 2P 5C