



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

Thursday, the First day of July Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CMA(MD) . No.1079 of 2015

UNITED INDIA INSURANCE CO., LTD.
THROUGH ITS BRANCH MANAGER,
NO.5, GOMATHIPURAM 1ST STREET,
SANKARANKOVIL.

... Appellant/2nd Respondent

Vs

1 MUNIANDI

...1st Respondent / Claimant

KASI RAJAN (DIED)

2 PUSHBA

3 PONMALAR

4 PONSANKAR

5 PON KAYATHRI

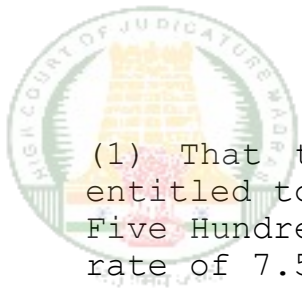
... Respondents 2 to 5 /
Respondents 3 to 6

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Subordinate Judge, Motor Accident Claims Tribunal, Sankarankovil, dated 18.06.2014 passed in M.A.C.O.P.No.10 of 2011.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday, Twenty First day of April 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.A.SHAJAHAN, Advocate for the Appellant and of Mr.M.JOTHI BASU, Advocate for the first respondent and having stood over for consideration till this date, this Court while allowing this appeal in part with the modification of award amount, doth order and decree as follows:-



(1) That the first respondent herein/ Claimant be and hereby is entitled to a sum of Rs.5,30,520/- (Rupees Five Lakhs Thirty Thousand Five Hundred and Twenty Only) as a compensation with interest at the rate of 7.5 % p.a;

(2) That the Appellant herein/Insurance Company be and hereby is directed to deposit the amount awarded herewith, together with interest at 7.5% from the date of the claim petition till the date of realization, and the amount if not deposited earlier, has to be deposited, within a period of 8 weeks from the date of receipt of copy of this Judgment;

(3) that on such deposit being made, the first Respondent herein / claimant shall withdraw the award amount with proportionate interest after deducting the amount already received by him, earlier without filling any formal petition before the Tribunal.

(4) that excess amount if any deposited shall be refunded to the appellant;

(5) that the first Respondent /Claimant be and hereby is not entitled for interest for the default period, if there is any

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

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
Motor Accident Claims Tribunal, Sankarankovil.

Copy to:

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

+1 CC to M/s.G.M.LAW OFFICE M.JOTHIBASU, Advocate (SR-20853 dated 01/07/2021)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-21001 dated 02/07/2021)



WEB COPY

CMA(MD). No.1079 of 2015

ORDER DATED : 01/07/2021

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DECREE

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CMA (MD) . No.1079 of 2015

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the Subordinate Judge, Motor Accident Claims Tribunal, Sankarankovil, dated 18.06.2014 made in M.A.C.O.P.No.10 of 2011

tp (CO)
TR (15.07.2021) 3P 6C