



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Fourth day of March Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice PUSHPA SATHYANARAYANA

AND

The Hon`ble Mrs.Justice S.KANNAMMAL

CMA(MD) . No.1270 of 2015

THE BRANCH MANAGER,,
ROYAL SUNDARAM ALLIANCE INSURANCE CO LTD.,
NO.5 R.J.PLAZA KATPADI MAIN ROAD ,
VIRUTHAMPETTAI, VELLORE..

... Appellant/Second Respondent

Vs

1 ALLI

2 DIVYA PRIYA

3 MINOR NISHANTH
(REP BY MOTHER AND NEXT,
FRIEND 1ST RESPONDENT HEREIN)

4 C.POMMAKKAL ... Respondent 1 to 4/petitioners

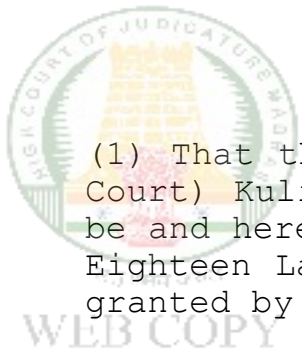
5 T.VAITHIALINGAM, ... 5th Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal(Sub Court) Kulilthalai, dated 25.09.2014 made in M.C.O.P.No.384 of 2011.

DECREE:-

This Civil Miscellaneous Appeal 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 Thiru.S.SRINIVASA RAGHAVAN, Advocate for the Appellant and of Thiru.N.SUDHAGAR NAGARAJ, Advocate for the respondents one to four and the fifth respondent not appeared either in person or thorough his counsel and 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 (Sub Court) Kulilthalai, dated 25.09.2014 made in M.C.O.P.No.384 of 2011 be and hereby is reduced from Rs.25,05,960/- to Rs.18,49,081 (Rupees Eighteen Lakhs Forty Nine thousand and eighty one) and the interest granted by the Tribunal @ 7.5% p.a is confirmed.

(2) That the award amount is apportioned as per the award of the Tribunal.

(3) That the Appellant/Insurance Company be and hereby is directed to deposit the award amount of Rs.18,49,081 (Rupees Eighteen Lakhs Forty Nine thousand and eighty one) together with accrued interest and costs to the credit of claim petition, less the amount already deposited, if any within a period of six weeks from the date of receipt of copy of this judgment.

(4) That the Tribunal be and hereby is directed to refund the excess award amount, if any, to the appellant/Insurance Company together with interest at the rate of 7.5% from the date of the claim petition.

(5) That on such deposit being made, the respondent 1, 2, and 4/Claimants 1, 2 and 4 be and are hereby permitted to withdraw their respective shares with proportionate interest and costs.

(6) That the share of the minor claimant/second respondent be and hereby is permitted to be kept in any of the Nationalised Bank till he attains majority and the guardian /first respondent is permitted to withdraw the interest amount once in three months

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TO

The Sub Judge,
Motor Accident Claims Tribunal, Kulilthalai

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-13690 dated
25/03/2021)
+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-13919 dated
26/03/2021)

WEB COPY

ORDER DATED : 24/03/2021

=====
DECREE
=====

CMA(MD) . No.1270 of 2015

Nature of Decree:- allowing
the Civil Miscellaneous
Appeal in part preferred
against the judgment and
decree of the Motor
Accident Claims Tribunal
(Sub Court) Kulilthalai,
dated 25.09.2014 made in
M.C.O.P.No.384 of 2011.

KM(CO)
TR(20.05.2021) 3P 6C