



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

Monday, the Twenty First day of June Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs. Justice T. KRISHNAVALLI

CMA(MD) . No.559 of 2018

and

CROSS OBJECTION (MD) .NO.5 OF 2019

THE BRANCH MANAGER,
BHARATI AXA GENERAL INSURANCE CO. LTD.
SHRI RAM CENTRE
180 GROUND FLOOR, P.P CHAVADI,
THENI MAIN ROAD, MADURAI-16.

... Appellant in CMA(MD)
No.559/2018 and 2nd Respondent
in Cross Objection(MD)
No.5/2019

Vs

1. R.INDIRANI

... 1st Respondent in CMA(MD).No.
559/2018 and Cross objector in
Cross Objection(MD) No.
5 of 2019

2. THE CORRESPONDENT

SRI AUROBINDO MIRA MATRIC
HIGHER SECONDARY SCHOOL
108 BY PASS ROAD, MADURAI-16.

... 2nd Respondent in CMA(MD).No.
559/2018 and 1st Respondent in
Cross objection(MD) No.5/2019

Prayer in CMA(MD) .No.559 of 2018:-

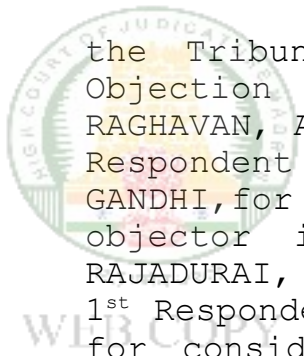
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) Madurai in MCOP No.1158 of 2012 dated 26.10.2017.

Prayer in Cross Objection No. 5 of 2019 :-

This Cross Objection petition is filed Under Order 41 Rule 22 of C.P.C r/w u/s 173 of M.V.Act to set aside the award dated 26.10.2017 passed by the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Madurai in M.C.O.P.No.1158 of 2012.

DECREE:-

This Civil Miscellaneous Appeal and Cross Objection having come up for final hearing on the eleventh day of March Two Thousand and Twenty One, upon perusing the grounds of Appeal, the order of



the Tribunal and the material papers to the Appeal and Cross Objection and upon hearing the arguments of MR.S.SRINIVASA RAGHAVAN, Advocate for the Appellant in CMA(MD). No.559/2018 and 2nd Respondent in Cross Objection(MD)No.5/2019 and and of MR.S.M.MOHAN GANDHI, for 1st Respondent in CMA(MD).No.559/2018 and for Cross objector in Cross Objection(MD)No. 5 of 2019 and MR.G.PRABHU RAJADURAI, Advocate for the 2nd Respondent in CMA(MD).No.559/2018 and 1st Respondent in Cross objection(MD)No.5/2019 and having stood over for consideration till this day, this Court while allowing these Civil Miscellaneous Appeal and the Cross Objection, doth order and decree as follows:-

(1) That the Award passed by the the Motor Accidents Claims Tribunall (Chief Judicial Magistrate)Madurai made in MCOP NO.1158 of 2012 dated 26.10.2017 be and hereby is enhanced from Rs.3,81,925/- (Rupees Three Lakh Eighty One Thousand Nine Hundred and Twenty five only) to Rs.6,10,725/-(Six Lakh Ten Thousand and Seven Hundred and Twenty Five only)

(2) that the finding of the Tribunal with regard to the liability of the/Insurance company to pay the award be and hereby is set aside.

(3) that, the 2nd Respondent/Owner of the offending vehicle in CMA (MD)No.559 of 2018 be and hereby is directed to deposit the entire compensation amount of Rs.6,10,725/-(Rupees Six Lakh Ten Thousand Seven Hundred and Twenty Five only) before the tribunal together with interest at the rate of 7.5% p.a from the date of petition till the date of deposit within a period of six weeks from the date of receipt of a copy of this order.

(4) That on such deposit being made, the claimant be and is hereby permitted to withdraw the entire amount without filing any formal petition before the Tribunal.

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

Sd/-

Assistant Registrar (W)

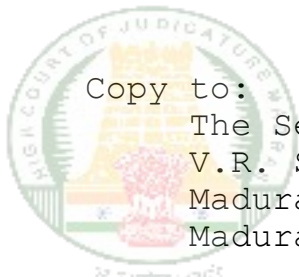
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/ /2021

Sub Assistant Registrar(CS)

TO

The Chief Judicial Magistrate,
(Motor Accidents Claims Tribunal)
Madurai.



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

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-19830 dated 22/06/2021)

+1 CC to M/s.S.SRINIVASARAGHAVAN, Advocate (SR-19863 dated 22/06/2021)

ORDER DATED : 21/06/2021

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DECREE

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CMA(MD) . No.559 of 2018
AND
CROSS OBJECTION(MD).NO.5 OF 2019

Nature of Decree : Allowing the Civil Miscellaneous Appeal preferred against the Judgement and Decree of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) Madurai made in MCOP NO.1158 of 2012 dated 26.10.2017.

RC (26.07.2021) 3P-6C