



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

Tuesday, the Thirteenth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
AND
The Hon`ble Mr.Justice B.PUGALENDHI

CMA(MD)No.999 of 2017
and
Cross Objection(MD)No.23 of 2021

THE MANAGER,
BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.,
COIMBATORE.

... Appellant in CMA(MD)No.999 of 2017 /2nd Respondent
and
1st Respondent in Cross Objection(MD)No.23 of 2021/Appellant

/ VERSUS /

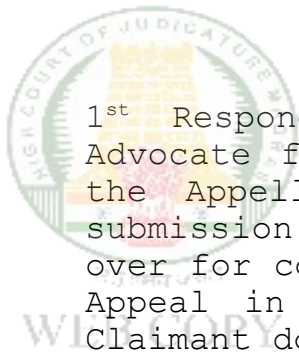
1 S.ANITHA
... 1st Respondent in CMA(MD)No.999 of 2017/Petitioner
and
Cross Appellant in Cross Objection(MD)No.23 of 2021/
1st Respondent

2 SUJATHA KUMARAVEL
... 2nd Respondent in CMA(MD)No.999 of 2017/1st Respondent
and
2nd Respondent in Cross Objection(MD)No.23 of 2021/
2nd Respondent

Appeal and the Cross Objection filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Additional District Court, Paramakudi, dated 01.07.2017 made in MCOP No.100 of 2016.

DECREE:These Civil Miscellaneous Appeal and Cross Objection coming up for hearing on Friday, the ninth day of July, Two Thousand and Twenty One, upon perusing the Grounds of Appeal and the Cross Objection, the award of the Tribunal below and the material papers to the Appeal and upon hearing the arguments of MR.V.SAKTHIVEL, Advocate for the Appellant in Civil Miscellaneous Appeal and for the

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1st Respondent in the Cross Objection and of MR.S.ARIVALAGAN, Advocate for the Respondent in Civil Miscellaneous Appeal and for the Appellant in the Cross Objection and in pursuance of the submission made by the Counsel for the Appellant and having stood over for consideration thill this day, this Court while allowing the Appeal in Part and dismissing the Cross Objection filed by the Claimant doth order and decree as follows:-

(1) That, the award passed by the Additional District Judge, Paramakudi, dated 01.07.2017 made in MCOP No.100 of 2016 be and hereby reduced to Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) from Rs.18,30,267/- ;

(2) that, the Claimant be and hereby entitled for a sum of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) along with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization ;

(3) that, the Claimant be and hereby permitted to withdraw the modified award amount less the amount already withdrawn, if any, together with proportionate interest and costs ;

(4) that, the balance amount shall be refunded to the Appellant Insurance Company and

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

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Additional District Court, Paramakudi.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.V.SAKTHIVEL, Advocate (SR-22205)



WEB COPY

CMA(MD)No.999 of 2017

ORDER DATED : 13/07/2021

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DECREE

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CMA (MD) No.999 of 2017
and
Cross Objection (MD) No.
23 of 2021

Nature of Decree:- ALLOWING
THE APPEAL IN PART AND
DISMISSING THE CROSS
OBJECTION preferred against
the judgment and decree of
the Additional District
Court, Paramakudi, dated
01.07.2017 made in MCOP
No.100 of 2016 and etc. as
stated within.

sgs (CO)
TR (11.08.2021) 3P 5C