



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

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD) . No.1166 of 2021
and
Cross Objection No.3 of 2022

CMA(MD) No.1166 of 2021

SRI RAM GENERAL INSURANCE CO,
MPANY LTD. LIG 306 Nagasundaram Comlex ,
2nd Floor Suguna Store Building Anna Nagar ,
Madurai Through its
Divisional Manager ... Appellant / 2nd Respondent

Vs

- 1 PANCHAVARNAM,
W/o. Poomi @ Poominathan, L. Karungulam,
Village, Lanthai,
Ramanathapuram District ... 1st Respondent / 1st Petitioner
- 2 Meenal,
W/o. Murugesan, L. Karungulam Village,,
Lanthai,
Ramanathapuram District ... 2nd Respondent / 2nd Petitioner
- 3 SRI KRISHNA NURSERY AND PRIM
ARY SCHOOL,, Madurai mandapam Road,,
Paramakudi Taluk, Ramanathapuram District,
Through its Correspondent ... 3rd Respondent / 1st Respondent

Cross Objection No.3 of 2022

- 1 PANCHAVARNAM,
W/o. Poomi @ Poominathan, L. Karungulam,
Village, Lanthai,
Ramanathapuram District
- 2 Meenal,
W/o. Murugesan, L. Karungulam Village,,
Lanthai,
Ramanathapuram District ...Cross Appellants /
1st & 2nd Respondent / Claimants



. Vs.

1 SRI RAM GENERAL INSURANCE
COMPANY LTD. LIG 306 Nagasundaram Comlex ,
2nd Floor Suguna Store Building Anna Nagar ,
Madurai Through its
Divisional Manager ... Appellant / 2nd Respondent

2 SRI KRISHNA NURSERY AND PRIMARY
SCHOOL,, Madurai mandapam Road,,
Paramakudi Taluk, Ramanathapuram District,
Through its Correspondent ... 3rd Respondent / 1st Respondent

Prayer in CMA :-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award in MCOP No.5 of 2016 dated 14.03.2018 of the Motor Accident Claims Tribunal, Additional District Court, Paramakudi.

Prayer in Cross Objection :-

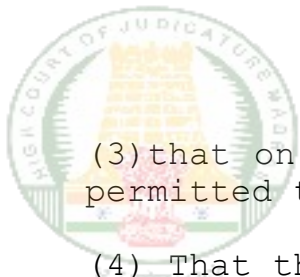
Cross Objection is filed under Order 41 Rule 22 r/w. Section 173 of the Motor Accident Act, against the award dated 14.03.2018 in MCOP No.5 of 2016 on the file of the Motor Accident Claims Tribunal, Additional District Court, Paramakudi.

DECREE :-

This Civil Miscellaneous Appeal and Cross Objection 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 Mr.A.BALAJI, Advocate for the Appellant in CMA and Advocate for first respondent in Cross Objection and of Mr.D.SENTHIL, Advocate for the first and second respondent in CMA and Advocate for Appellants in Cross Objection, third respondent in CMA and second respondent in Cross Objection petition not appeared either in person or by an Advocate, while modifying the award of the Tribunal and partly allowing the Cross Objection and dismissing the Civil Miscellaneous Appeal, that the Claimants having paid the additional Court Fee of Rs.5,400/- vide USR No.7558 dated 15.03.2022, this Court doth order and decree as follows:-

(1) That the compensation awarded by the Tribunal be and hereby enhanced from Rs.21,40,000/- to Rs.28,78,932/- (Rupees Twenty eight lakhs seventy eight thousand nine hundred and thirty two only).

(2) That the appellant / Insurance Company be and is hereby directed to deposit the entire award amount within a period of eight weeks from the date of receipt of a copy of this order along with interest at the rate of 7.5% if not deposited.



(3) that on such deposit being made, the claimants be and are hereby permitted to withdraw their share as apportioned by the Tribunal.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Additional District Judge,
Motor Accident Claims Tribunal,
Paramakudi.

Copy to:

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

+1 CC to M/s.D. SENTHIL, Advocate (SR-6338 dated 16/02/2022)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-6421 dated 16/02/2022)

ORDER DATED : 15/02/2022
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DECREE

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CMA(MD). No.1166 of 2021

and

Cross Objection No.3 of 2022

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal and partly allowing the Cross Appeal preferred against the award of the Motor Accident Claims Tribunal, Additional District Court, Paramakudiin MCOP NO.5 OF 2016 DATED 14.03.2018 and etc., as stated therein

RK(07/04/2022) 3P 6C