



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

Wednesday, the Twenty Seventh day of April Two Thousand and Twenty  
Two  
PRESENT:

WEB COPY

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD) No.326 of 2020

UNITED INDIA INSURANCE COMPANY LTD.,  
No.3-E Balavinayagar Kovil Street,  
Thoothukudi.

... Appellant/2<sup>nd</sup> Respondent

Vs

1 K. JESAMMAL

...1<sup>st</sup> Respondent/Claim Petitioner

2 P.Lilly Pushpam  
(IN RESPECT OF R2, NOTICE,  
DISPENSED WITH VIDE COURT  
ORDER DT 03.01.2022)

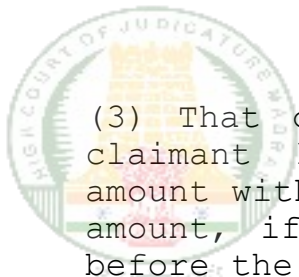
...2<sup>nd</sup> Respondent/1<sup>st</sup> Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Thoothukudi, dated 31/01/2019 in M.C.O.P. No.176 of 2016.

**DECREE:-** This Civil Miscellaneous Appeal is coming on for hearing on Friday, the twenty fifth day of March two thousand and twenty two, 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.ILANGO, Advocate for the Appellant and of MR.S.SIVATHILAKAR, Advocate for the first respondent and having stood over for consideration till this date, this Court while allowing the appeal in part, doth order and decree as follows:-

(1) That the compensation passed by the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Thoothukudi, dated 31/01/2019 in M.C.O.P. No.176 of 2016 is reduced from Rs.23,67,822/- to Rs.18,92,822/- (Rupees eighteen lakhs ninety two thousand eight hundred and twenty two only)with interest at the rate of 7.5% per annum, from the date of petition till the date of realisation;

(2) That the Appellant herein/Insurance Company be and hereby is directed to deposit the modified award amount to the credit of M.C.O.P. No.176 of 2016 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Thoothukudi, within a period of 8 weeks from the date of receipt of copy of this Order, less the amount, if any already deposited;



(3) That on such deposit being made, the 1<sup>st</sup> respondent herein / claimant be and hereby is permitted to withdraw the modified award amount with proportionate accrued interest and costs, less the award amount, if any already withdrawn, by filing necessary application before the Tribunal;

(4) That the Tribunal be and hereby is directed to refund the excess award amount, if any, with accrued interest to the appellant herein/insurance company and

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

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO  
The Motor Accident Claims Tribunal/  
Chief Judicial Magistrate, Thoothukudi.

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

+1 CC to M/s.A. ILANGO, Advocate ( SR-21951 dated 28/04/2022 )  
+1 CC to M/s.S. SIVA THILAKAR, Advocate (SR-21976 dated 28/04/2022 )

ORDER DATED : 27/04/2022

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DECREE

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**CMA(MD) No.326 of 2020**

Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Thoothukudi, dated 31/01/2019 in M.C.O.P.No.176 of 2016 and etc., as stated within.

MK/07.06.2022/2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>