

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

Wednesday, the Twenty First day of September Two Thousand and Twenty
Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.908 of 2021

1 THE BRANCH MANAGER

M/s.United India Insurance Co.Ltd,
Seethalakshmi Complex, Thirunagar, Madurai,
Madurai District.

...Appellant/2nd Respondent

Vs

THAYAMMAL (DIED)

1.M.Manimuthu

2 Ochammal

3 Petchiyammal

4 Karthiya Kumar

... Respondents 1 to 4/Claimants

5 M/s.Rathinasamy Nadar Memorial Higher Secondary School,
Rep. by its Correspondent,
Nethaji Nagar
Uthappanaickanur and Post,
Usilampatti Tk
Madurai District.

(notice to R5 is given up as no relief

is claimed against them)

... Respondents /1 st Respondent

Prayer :-

This Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act, against Fair and Decreetal order dated 24.02.2021 made in MCOP No.169 of 2013 on the file of the Motor Accident Claims Tribunal (Special District Court, Madurai.

Decree:

This Appeal came up for hearing on Friday, the Twenty Second day of July, Two Thousand and Twenty Two upon perusing the grounds of Appeal, the Award of the Tribunal and the material papers available to this case, and upon hearing the arguments of

Mr.B.Rajesh Saravanan, Advocate for the Appellant and of Mr.N.Vallinayagam, Advocate for the 1 to 4 Respondents and having stood over the matter for consideration till this day. While Allowing the Appeal in Part, this Court doth order and decree as follows:-

i)that award of the tribunal dated 24.02.2021 made in MCOP No.169 of 2013 on the file of the Motor Accident Claims Tribunal (Special District Court, Madurai, be and hereby is reduced from Rs.4,00,000/- to Rs.2,32,000/- (Rupees Two lakhs and Thirty Two thousand only;

ii)that the 1 to 4 Respondents herein/Claimants be and hereby are entitled to Rs Rs.2,32,000/- (Rupees Two lakhs and Thirty Two thousand only) as compensation;

iii)that the appellant herein/Insurance company be and hereby is directed to deposit the entire compensation of Rs.2,32,000/- (Rupees Two lakhs and Thirty Two thousand only) if not already deposited together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and with costs, within a period of eight weeks from the date of receipt of a copy of this order;

iv)that on such deposit being made by the Insurance Company, the respondents herein/Major Claimants be and hereby are permitted to withdraw their shares as apportioned by the Tribunal with interest and costs immediately, on the filing of proper petition before the Tribunal, less any amount, if already withdrawn by them.

v)that the Respondent herein/Claimants are not entitled for interest for the default period; if there is any default

vi)Excess amount, if any, shall be refunded to the Insurance Company;and

vii)that there shall be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)

To.
The Special District Judge, Madurai/
Motor Accident Claims Tribunal, Madurai.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.N.VALLINAYAGAM, Advocate (SR-46304 dated 22/09/2022)

+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate (SR-46815 dated
23/09/2022)

ORDER DATED : 21/09/2022

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DECREE
=====

CMA(MD). No.908 of 2021

Partly Allowing the CMA(MD). No.908 of
2021,preferred against Fair and
Decreetal order dated 24.02.2021 made
in MCOP No.169 of 2013 on the file of
the Motor Accident Claims Tribunal
(Special District Court, Madurai.etc.
As stated within.

SS/10/10/2022/ 3P 6C