



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD). No.700 of 2019

The New India Assurance Company Limited
Rep.by its Branch Manager
No.480, Chekkalai Road
Karaikudi Taluk
Sivagangai District.

... Appellant/3rd Respondent

Vs

1 Kaliammal
2 Rajkumar
3 Subbulakshmi
4 Tamilselvi
5 Shanthi

... Respondents 1 to 5/
Claimanants

6 Saravanan
7 Nachaal

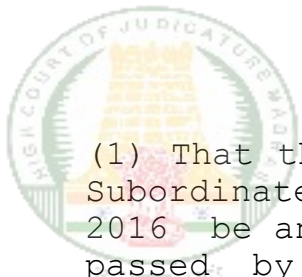
... Respondents 6 & 7/
Respondents 1 & 2

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal cum Subordinate Court, Devakottai dated 20.03.2019 made in MCOP No.22 of 2016.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Monday, the Eleventh day of April Two Thousand Twenty Two (11.04.2022), 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.M.S.SURESH KUMAR, Advocate for the Appellant and of MR.D.VENKATESH, Advocate for Respondents 1 to 5, none appearance for Seventh Respondant either in person or through an advocate, having stood over for consideration till this day, while Allowing the Appeal in Part, this Court doth order and decree as follows:-



(1) That the award passed by the Motor Accident Claims Tribunal cum Subordinate Court, Devakottai dated 20.03.2019 made in MCOP No.22 of 2016 be and hereby is modified and reduced the compensation awarded passed by the Tribunal from Rs.14,06,,500/- to Rs.13,14,200/- (Rupees Thirteen Lakhs Fourteen thousand and two hundred only) which shall carry interest at the rate of 7.5% per annum.

(2) That the Present Appellant/Insurance Company be and hereby is directed to deposit the entire compensation amount awarded by this Court, i.e., Rs.13,14,200/- (Rupees Thirteen Lakhs Fourteen thousand and two hundred 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 to the credit of MCOP No.22 of 2016 on the file of the Motor Accidents Claims Tribunal cum Subordinate Court, Devakottai within a period of eight weeks from the date of receipt of a copy of this Order.

(3) That on such deposit being made, the respondents 1 to 5/claimants be and hereby are permitted to withdraw the same, in the manner known to law. If the appellant/Insurance Company had already deposited the compensation awarded by the Tribunal to the credit of the said MCOP then they are at liberty to withdraw the balance amount which is in excess of the amount awarded by this Court after following due process of law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal cum
Subordinate Court, Devakottai

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench - 2 Copies



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CMA(MD). No.700 of 2019

ORDER DATED : 06/05/2022

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DECREE
=====

CMA (MD) . No.700 of 2019

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous Appeal
preferred against the
judgment and decree of the
Motor Accident Claims
Tribunal cum Subordinate
Court, Devakottai dated
20.03.2019 made in MCOP
No.22 of 2016 etc., as
stated within.

USK/01.06.2022/3P/4C