



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

Friday, the Fourth day of November Two Thousand Twenty Two

PRESENT
The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1035 of 2021
AND
CRO.OBJ(MD) .6 OF 2022

THE DIVISIONAL MANAGER,
The Oriental Insurance Company Limited,
Having its Office at 1st Floor,
Lyola Campus,
Salai Road,
Dindigul Town

... Appellant / 2nd Respondent
in CMA(MD) No.1035 of 2021
...1stRespondent / Appellant
in Cros.Obj (MD) .NO.6 of 2022

Vs

1 Mrs.MAHALAKSHMI,

2 Minor.Parasuram,
(Minor 2nd respondent
represented through his mother and gurdian
1st respondent)

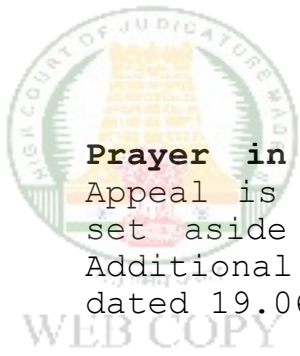
3 Marimuthu,

4 Mariammal,

...1 to 4 respondents /
1 to 4 petitioners in
CMA(MD) No.1035 of 2021
...Appellants /
1 to 4 Petitioners in
Cros.Obj (MD) .NO.6 of 2022

5 Natarajan,

...5th Respondent/ 1st Respondent
in CMA(MD) No.1035 of 2021
...2nd Respondent /
5th Respondent in
Cros.Obj (MD) .NO.6 of 2022



Prayer in CMA(MD). No.1035 of 2021 :- This Civil Miscellaneous Appeal is filed under section 173 of Motor Vehicles Act 1988, To set aside the order of the Motor Accident Claims Tribunal cum Additional District Judge, Dindigul made in M.C.O.P. No. 534/2013, dated 19.06.2018 and allow the appeal with costs and render justice.

Prayer in Cros.Obj(MD).6 of 2022 :- This Cross Objection is filed under Order 41 Rule 22 against C.M.A(MD).1035 of 2021 as against the order passed in M.C.O.P.NO.534 of 2013, dated 19/06/2018 on the file of the Motor Accident Claims Tribunal cum Additional District Judge, Dindigul and set aside the same and allow this Cross Objection.

Order:- This Civil Miscellaneous Appeal and Cross Objection coming on for hearing on Monday the Twenty Sixth day of September Two Thousand and Twenty Two, upon perusing the grounds of Appeal, the judgments and decree of the lower Appellate Court and the Court of First Instance and the material papers in the suit and upon hearing the arguments of Mr.C.Jawahar Ravindran, Advocate for appellant in CMA(MD).NO.1035 of 2021 and 1st Respondent in Cros.Obj(MD).No.6 of 2022 and Mr.S.Pugalendhi, Advocate for Respondents First, Third, and Fourth in CMA(MD).NO.1035 of 2021 and Petitioners/Appellants in Cros.Obj(MD).No.6 of 2022 and having stood over for consideration till this date, this court (*)while dismissing the appeal and allowing the Cross Objection in part and the counsel for the Review petitioner has paid the additional Court fee for enhanced amount vide memo in USSR No.16258 dated 05/06/2023, doth order and decree as follows:-

(i) The quantum of compensation awarded by the Tribunal is enhanced from Rs.15,56,000/- to Rs.18,84,400/- (Rupees Eighteen Lakhs Eighty Four Thousand and Four hundred Only) which shall carry interest at the rate of 7.5 % per annum.

(ii) The Appellant/Insurance company, is directed to deposit the entire compensation of 18,84,400/- (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 proportionate costs to the credit of M.C.O.P.No.534 of 2013 before the Motor Accident Claims Tribunal cum Additional District Judge, Dindigul, within a period of eight weeks from the date of receipt of a copy of this order.

(iii) On such deposit being made by the Appellant/insurance company, the first respondent herein is entitled to a share of Rs. 8,00,000/- (Rupees Eight Lakhs Only), with proportionate interest and costs, the third respondent herein/3rd claimant is entitled to a share of Rs.3,00,000/- (Rupees Three Lakhs Only) with proportionate interest and the fourth respondent herein/4th claimant is entitled to



a share of Rs.1,84,400/- (Rupees One Lakh Eighty Four Thousand or Hundred only), with proportionate interest. The respondents 1,3 and 4 are permitted to withdraw their respective share with the interest.

(iv) The second respondent/2nd claimant (minor) herein is entitled for an amount of Rs.6,00,000/- (Rupees Six Lakhs Only) with Proportionate interest, which is ordered to be deposited in any one of the nationalized bank until he attains majority and the first respondent/1st claimant is permitted to withdraw the interest directly from the bank, once in three months in order to maintain the minors.

(v) That there be no cost in this Civil Miscellaneous Appeal and Cross.Objection Petition.

Sd/-

Assistant Registrar(CS I)

(*)Modified as per the order of this court dated 24.04.2023 and made in Rev.Applc(MD) .27/2023.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/07/2023

Sub Assistant Registrar(CO)

To

To be substituted to the order which is already despatched on 05/01/2023.

- 1.The Motor Accident Claims Tribunal cum Additional District Judge, Dindigul.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai. (2 copies)



WEB COPY

CMA(MD).



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ORDER DATED : 04/11/2022

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DECREE

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CMA(MD) . No.1035 of 2021
AND
CRO.OBJ(MD) .6 OF 2022

(*)Dismissing the CMA(MD) .
No.1035 of 2021
and Allowing the Cross
Objection(MD) No.6 of 2022
(*)in part preferred against
the order of the Motor
Accident Claims Tribunal cum
Additional District Judge,
Dindigul made in M.C.O.P.
No. 534/2013, dated
19.06.2018 and etc. as
stated
within.

ED(19.12.2022) 4P 4C
MK(11.07.2023) 4P 4C