



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the Twenty Fifth day of March Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD). No.726 of 2020

The Manager,
National Insurance Co.Ltd.,
No.74-A, Paramathi Road,
Namakkal.

... Appellant/2nd Respondent

Vs

1. Dhanalakshmi
2. Minor. Manish
3. Minor.Lakshanth
(Minors 2nd and 3rd Respondents rep. by their mother
and guardian Dhanalakshmi, the 1st respondent herein)
4. Balamnai
5. Sivanandham ...Respondents/Petitioners
6. Sumathi
7. M.Selvaraj
8. J.Rameshbabu
9. The Manager,
Cholamandalam MS General Insurance Company Ltd,
EVN Road, Mosuvanna Street,
Nall Road, Erode.
... Respondents/Respondents No.1 and 3 to 5

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal cum District Court, Karur, dated 18.02.2020 made in M.C.O.P.No.488 OF 2017.



DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Tuesday, The Fifteenth day of March, Two Thousand and Twenty Two, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.R.RAJAMANI, Advocate for the Appellant and of Mr.K.SURESH KUMAR, Advocate for Respondents 1 to 5 and of Mrs.K.R.SHIVASANKARI for 9th Respondents and Respondents 6 and 7 not appeared either in person or by an Advocate having stood over for consideration till this date, this Court while allowing this appeal in part, doth order and decree as follows:-

(1) That, the award passed by the Motor Accidents Claims Tribunal cum District Court, Karur, dated 18.02.2020 made in M.C.O.P.No.488 OF 2017, be and is hereby reduced from 44,35,600/- to Rs.37,68,000/- (Rupees Thirty Seven Lakhs and Sixty Eight Thousand only) with interest at 7.5% p.a., from the date of claim petition till the date of realization;

(2) that, the Appellant/Insurance Company be and is hereby directed to deposit the modified award amount less the award amount already deposited if any;

(3) that, on such deposit being made, the claimants be and are hereby permitted to withdraw their share in the award amount with proportionate accrued interest and costs less the award amount already withdrawn, if any as per the ratio of apportionment, as ordered by the Tribunal, by filing necessary application before the Tribunal;

(4) That, if the Appellant/Insurance company had already deposited the entire award amount as ordered by the Tribunal, the Tribunal is directed to refund the excess award amount with proportionate accrued interest and

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Judge/The Motor Accidents Claims Tribunal,
Karur.

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



Copy to:

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

+1 CC to Mr.R.RAJAMANI, Advocate (SR-14764)

+1 CC to Mr.K.SURESH KUMAR, Advocate (SR-15034)

+1 CC to Mrs.K.R.SHIVA SHANKARI, Advocate (SR-14643)

ORDER DATED : 25/03/2022

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DECREE

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CMA(MD). No.726 of 2020

Nature
of Decree:- Allowing the Civil Miscellaneous
Appeal preferred against the award passed by
the Motor Accidents Claims Tribunal cum
District Court, Karur, dated 18.02.2020 made
in M.C.O.P.No.488 OF 2017 and etc., as
stated within.

RK(08/04/2022) 3P 7C