



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

Tuesday, the Twelfth day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
CMA(MD)No.211 of 2018

WEB COPY

THANIKODI

... APPELLANT/1ST RESPONDENT
Vs

- 1.PARAMESWARI
- 2.S.RAMALAKSHMI
- 3.MINOR S.SAPREETHA
- 4.MINOR S.TAMILSELVI
- 5.PASUPATHY AMMAL

... RESPONDENTS 1 TO 5/
CLAIM PETITIONERS

- 6.THE BRANCH MANAGER
UNITED INSURANCE COMPANY LTD.
MADURAI TOWN.

... 6TH RESPONDENT/2ND RESPONDENT

(MINOR RESPONDENTS 3 & 4 ARE
REPRESENTED BY THEIR MOTHER
1ST RESPONDENT)

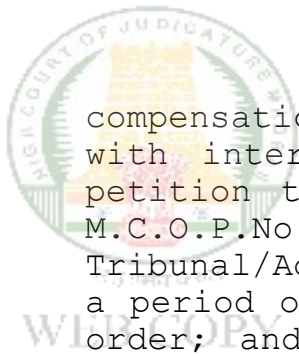
Prayer :- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decretal order, dated 04.06.2010 made in M.C.O.P.No.4 of 2006, on the file of the Motor Accidents Claims Tribunal/Additional District and Sessions Judge, Periyakulam.

DECREE: This Appeal coming on for hearing on this Friday, First day of April Two Thousand and Twenty Two, Upon perusing the grounds of Appeal, the order of the Lower Court and the material papers to the Appeal and upon hearing the arguments of Mr.R.Suriyanarayanan, Advocate for the Appellant and Mr.S.Anand Chandra Sekar for M/s.Sarvabhauman Associates advocate for the respondent 1&2, and Mr.C.Karthick, Advocate for the 6th Respondent and Respondent No.5 not appeared in person or by an Advocate and having stood over for consideration till this day, this Court doth order and decree as follows:-

i)that award of the Motor Accident Claim Tribunal/ Additional District and Sessions Judge, Periyakulam, dated 04.06.2010 made in M.C.O.P.No.4 of 2006 be and hereby modified and this Civil Miscellaneous Appeal be and hereby Partly Allowed;

ii)That the insurance company be and hereby pay and recover the award amount from the owner of the vehicle and except this modification, the award passed by the Tribunal be and hereby confirmed;

<https://hcservices.ports.gov.in/hcservices/> insurance company be and hereby directed to deposit the



compensation awarded by the Tribunal, i.e., Rs.4,46,000/- together with interest at the rate of 7.5% per annum, from the date of petition till the date of realization and costs to the credit of M.C.O.P.No.4 of 2006, on the file of the Motor Accidents Claims Tribunal/Additional District and Sessions Judge, Periyakulam, within a period of eight weeks from the date of receipt of a copy of this order; and then recover the same from the Appellant/Owner of the Vehicle in the manner known to law.

iv) That on such deposit being made by the sixth respondent/Insurance Company, the claimants are permitted to withdraw the same, as appointed by the Tribunal, after following the due process of law; and

v) That there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO:

The Additional District and Sessions Judge,
Motor Accidents Claims Tribunal, Periyakulam.

Copy to:
The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.S.Anand Chandrasekar, Advocate, SR.No.18074

ORDER DATED : 12/04/2022

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DECREE

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CMA(MD)No.211 of 2018

Nature of Decree:- Partly Allowing the Civil Miscellaneous Appeal preferred against the Additional District & Sessions Judge, Periyakulam, dated 04.06.2010 made in MACOP.No.4 of 2016 etc., as stated within.

RD(09.06.2022) 2P 5C