



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(CIVIL APPELLATE JURISDICTION)**

**FRIDAY, THE ELEVENTH DAY OF MARCH TWO THOUSAND AND TWENTY TWO
PRESENT**

THE HON`BLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

CMA(MD) . NO.1275 OF 2015

ROYAL SUNDARAM ALLIANCE INSURANCE CO LTD.,
BY ITS MANAGER,
TVS CO - OP STORES BUILDING,
37, KRISHNA ROAD, TANK STREER,
MADURAI-625 001. ... Appellant/2nd Respondent

Vs

1 NATARAJAN

2 NALINI

3 MINOR JAIVENESH

4 MINOR SHIVAANY ... Respondents 1 to 4/Petitioner

(MINOR RESPONDENTS 3 & 4 REP THROUGH
THEIR GUARDIAN AND NEXT FRIEND, 1ST RESPONDENT).

5 P.SIVASANKAR

6 M.KALAVATHI

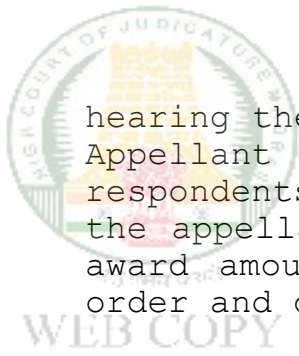
7 THE NEW INDIA ASSURANCE CO LTD.,
THROUGH ITS DIVISIONAL MANAGER,
248- B, KAMARAJAR SALAI, MADURAI-09,
POLICY TAKEN AT NO.83, T.S.R. BIG STREET,
KUMBAKONAM,
THANJAVUR DISTRICT.... Respondents 5 to 7/ Respondents 1,3 & 4

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 praying this Court to set aside the award dated 16.12.2014 made in M.C.O.P. No. 1983 of 2009 on the file of the V Additional District Court cum Motor Accident Claims Tribunal, Madurai.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, 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. S. SRINIVASA RAGHAVAN, Advocate for the Appellant and of MR. G.VIDHYA MAHESWARAN, Advocate for the respondents 1 to 4, MR.J.S. MURALI, Advocate for the 7th respondent. the appellant herein/Insurance Company having deposited the entire award amount, this Court while allowing the appeal in part, doth order and decree as follows:-

(1) That the quantum of compensation be and hereby is reduced to Rs. 18,01,430/- (Rupees Eighteen Lakhs One Thousand and Four Hundred and Thirty only)

(2) That the direction given by the Tribunal for investment of the award amount be and hereby is set aside;

(3) That the apportionment made by the Tribunal of the award amount be and hereby is confirmed;

(4) That the Tribunal be and hereby is directed to pay over the balance award amount as per the modified award amount to the Claimants and any excess shall be refunded to the appellant herein/ Insurance Company;

(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 V Additional District Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
Madurai.

Copy to:

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

+1 CC to M/s.J.S.MURALI, Advocate (SR-11659 dated 11/03/2022)



WEB COPY

CMA(MD). No.1275 of 2015

ORDER DATED : 11/03/2022

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DECREE

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CMA (MD) . No.1275 of 2015

Nature of Decree:- Partly Allowing the Civil Miscellaneous Appeal preferred against to set aside the award dated 16.12.2014 made in M.C.O.P. No. 1983 of 2009 on the file of the V Additional District Court cum Motor Accident Claims Tribunal, Madurai.

SE (CO)
GC (28.03.2022) 3P 5C