



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



Thursday, the Second day of February Two Thousand and Twenty
Three

PRESENT

WEB COPY

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.1486 of 2013

ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.,
REP. BY ITS MANAGER,
NO.176, D-F, TRIVANDRUM ROAD, VANNARPETTAI,
TIRUNELVELI, TIRUNELVELI DISTRICT - 627 003

...Appellant/2nd Respondent

Vs

- 1 LEELA
- 2 DARWIN
- 3 JUSTIN ...1 to 3 Respondents/1 to 3 Petitioners
- 4 K.A.KHAN MOHAMED ..4th Respondent/1st Respondent

Prayer :-

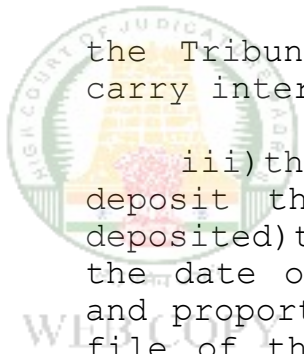
This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act., 1988, to set aside the fair and Decreetal order dated 05.03.2013 made in MCOP No.97 of 2012 on the file of the Motor Vehicles Accident Claims Tribunal(Subordinate Judge) Padmanabhapuram.

Decree:-

This Civil Miscellaneous Appeal came up for hearing on Wednesday, the Thirtieth day of November, Two Thousand and Twenty Two, upon perusing the grounds of Appeal, the Award of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.M.E.Ilango, Advocate for the Appellant, Mr.C.K.M.Appaji, Advocate for the 1 to 3 Respondents and for the fourth Respondent no appearance either in person or by an Advocate. This court having stood over for consideration till this date. while dismissing the Appeal, doth order and decree as follows:-

i)that the fair and Decreetal order dated 05.03.2013 made in MCOP No.97 of 2012 on the file of the Motor Vehicles Accident Claims Tribunal(Subordinate Judge)Padmanabhapuram, be and hereby is confirmed and the Civil Miscellaneous Appeal is Dismissed;

11)that the quantum of Compensation of Rs.8,60,120/-(Rupees Eight Lakhs Sixty Thousand One Hundred and Twenty Only)awarded by



the Tribunal be and hereby is confirmed. The award amount shall carry interest at the rate of 7.5% per annum;

iii) that the appellant herein be and hereby is directed to deposit the entire compensation of Rs.8,60,120/- (if not already deposited) together with interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of deposit and proportionate costs to the credit of MCOP No.97 of 2012 on the file of the Motor Vehicles Accident Claims Tribunal (Subordinate Judge), Padmanabhapuram, within a period of eight weeks from the date of receipt of a copy of this order;

iv) On such deposit being made by the Appellant herein the first Respondent herein/1st Claimant be and hereby is permitted to withdraw a share of Rs.4,30,060/- (Rupees Four Lakhs Thirty Thousand and Sixty only) (Less any amount already withdrawn) with proportionate interest and costs;

v) that the respondents 2 and 3 herein/claimants be and hereby are permitted to withdraw a share of Rs.2,15,030/- (Rupees Two Lakhs Fifteen Thousand and Thirty only) each with proportionate interest, as apportioned by the Tribunal, less any amount already withdrawn by following due process of law;

vi) that the Respondents are not entitled to interest for the default period, if there is any;

vii) that there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/02/2023

Sub Assistant Registrar (CS)

VSD

To

1. The Subordinate Judge
(Motor Vehicles Accident Claims Tribunal)
Padmanabhapuram

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.M.E.ILANGO, Advocate (SR-5929[F] dated 03/02/2023)



WEB COPY

ORDER DATED : 02/02/2023



DEGREE

CMA(MD) . No.1486 of 2013

Dismissing the CMA(MD) . No.1486 of 2013, preferred against fair and Decreetal order dated 05.03.2013 made in MCOP No.97 of 2012 on the file of the Motor Vehicles Accident Claims Tribunal(Subordinate Judge) Padmanabhapuram.etc. as stated within.

SI (17.02.2023) 3P 5C