



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



Tuesday, the Twenty Fourth day of January Two Thousand Twenty Three

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND

The Hon`ble Mr.Justice SUNDER MOHAN

CMA(MD) . No.338 of 2020

1.U.Muthulakshmi
2.P.Panthana Selvi
3.Ponponi

... Appellants/ Petitioners

vs.

1.Srinivasan,
2.V.T.Haris
3.United India Insurance Company Ltd.,
No.50/1, S.N.High Road, 1st Floor,
Office at No.37, C.S.N. High Road,
Tirunelveli - 1.

... Respondents/ Respondents

[The second respondent remained ex parte before
the Tribunal. Hence, notice is not necessary
to the second respondent]

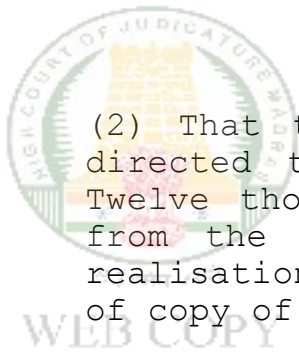
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, Principal District Judge, Thoothukudi in MCOP No.376 of 2012 dated 16.03.2015.

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.G.THALAIMUTHARASU, Advocate for the Appellants and of Mr.M.ASHOK KUMAR, Advocate for the first respondent and of Mr.A.SHAJAHAN, Advocate for the third respondent, the appellant counsel file memo stating that the Additional Court fee of Rs.6120/- (Rupees Six thousand one hundred and twenty only) vide USR No.5056 dated 09.02.2023, and Court this while allowing in part doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Principal District Judge, Thoothukudi in MCOP No.376 of 2012 dated 16.03.2015 be and hereby is modified.



(2) That the third respondent/Insurance company be and hereby is directed to deposit a sum of Rs.7,12,000/- (Rupees Seven Lakhs Twelve thousand Only) together with interest at the date of 7.5% from the date of filling the claim petition till the date of realisation, within a period of eight weeks from the date of receipt of copy of this judgment.

(3) That the award amount to be apportioned between the claimants/appellants, namely the wife, mother and father of the deceased, in the ratio of 40 : 40 : 20, respectively.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

SMN2

To

1.The Motor Accident Claims Tribunal
[Principal District Judge],
Thoothukudi.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-3870[F] dated 25/01/2023)

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-4024[F] dated 25/01/2023)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-4112[F] dated 25/01/2023)



WEB COPY



ORDER DATED : 24/01, 2023

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DECREE

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CMA (MD) . No.338 of 2020

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous
Appeal preferred against
the award of the Motor
Accident Claims Tribunal,
Principal District Judge,
Thoothukudi in MCOP No.376
of 2012 dated 16.03.2015
and etc., as stated therein

SI (21.02.2023) 3P 7C