



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Fifteenth day of March Two Thousand Twenty three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.596 of 2019

1. R.Balu,

2. Kamala

3. Kumutha ... Appellants / Claimants

.Vs.

1 S.Arulraj,

2 The Divisional Manager,
United India Insurance Co. Ltd.,
50-A, Pallivasal St.,
Perambalur - 621 212

... Respondents / Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 21.12.2018 in MCOP No.1207 of 2015 on the file of the Motor Accident Claims Tribunal, Special District Judge, Tiruchirapalli.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday, the twenty second day of February Two thousand and twenty three, 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.R.GOVINDARAJ, Advocate for the Appellants and of Mr.J.S.MURALI, Advocate for the second respondent and the first respondent not appeared either in person or by Advocate to this Court, and having stood over for consideration till this date, and this court while modifying the award of the tribunal and allowing the appeal in part doth order and decree as follows:-

(1) That the quantum of compensation is enhanced from Rs.2,70,000/- to Rs.5,82,676/- (Rupees Five Lakhs eighty two thousand six hundred and seventy six only)

(2) That the second respondent herein/Insurance Company be and is hereby to deposit the entire compensation of Rs.5,82,676/- (Rupees Five Lakhs eighty two thousand six hundred and seventy six only) (less the amount if any already deposited) together with

interest at the rate of 7.5% per annum from the date of claim



petition till the date of deposit and with costs, within a period of eight weeks from the date of receipt of a copy of this order.'

(3) (i) That the first appellant herein/first claimant is entitled to Rs.2,62,676/- (Rupees Two Lakhs sixty two thousand six hundred and seventy six only) with proportionate interest and costs,

(ii) That the second appellant herein / second claimant is entitled to Rs.1,60,000/- (Rupees One Lakhs sixty thousand only) with proportionate interest and

(iii) That the third appellant herein / third claimant is entitled to Rs.1,60,000/- (Rupees One Lakh sixty thousand only) with proportionate interest.

(4) That on such deposit being made, the appellants/claimants are permitted to withdraw their share as apportioned by this Court, on filing proper petition before the Tribunal, less any amount, if already withdrawn by them.

(5) That the Appellants herein/claimants are not entitled for interest for the default period, if there is any.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

LS

To

1.The Motor Accident Claims Tribunal -
Special District Judge,
Tiruchirapalli.

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

+1 CC to M/s.R.GOVINDARAJ, Advocate (SR-15407[F] dated 15/03/2023)

+1 CC to M/s.J.S.MURALI, Advocate (SR-15516[F] dated 16/03/2023)



WEB COPY

CMA(MD)



19

ORDER DATED : 15/0

DEGREE

CMA (MD) . No.596 of 2019

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous
Appeal preferred against
the Award of the Motor
Accident Claims Tribunal,
Special District Judge,
Trichy made in MCOP No.1207
of 2015 dt.21.12.2018 and
etc., as stated therein.

SI/(19.04.2023) 3P/ 6C



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

Wednesday, the Fifteenth day of March Two Thousand Twenty three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.820 of 2020
in
CMA(MD) . No.596 of 2019

1. R.Balu,
2. Kamala
3. Kumutha ... Petitioners / Appellants

Vs

- 1 S.Arulraj,
- 2 The Divisional Manager,
United India Insurance Co.Ltd., 50-A,,
Pallivasal St.,
Perambalur - 621 212 ... Respondents / Respondents

Prayer in CMP(MD) No.820 of 2020 :

This Civil miscellaneous petition filed under Order 41 Rule 27 of CPC, to receive the documents namely 1) communication from the office of the Accountant General (A & E) Tamilnadu Madras Address to vetnary Surgeon, Vetnary Hospital Thuraiyur with regard to release of gratuity to my father and (2) relieving order from duty on attaining superannuation as additional evidence in the above CMA No.596 of 2019.

Prayer in CMA(MD) No.596 of 2019

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 21.12.2018 in MCOP No.1207 of 2015 on the file of the Motor Accident Claims Tribunal, Special District Judge, Tiruchirapalli.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Govindaraj, Advocate for the Petitioner and Mr.J.S.Murali, Advocate for second respondent and first respondent not appeared either in person or by an Advocate, this Court made the following order:



A brief substance of the petition is as follows:-

The petitioners-claimants filed a claim petition claiming compensation for the death of their father in a Motor Accident which took place on 15.06.2015. The deceased was working as a Veterinary and Live Stock Supervisor, who retired from service on 30.09.1993. A communication from the Office of the Accountant General regarding the release of Gratuity and a relieving order from duty on attaining Superannuation are found and the same are to be marked as additional documents.

2. A perusal of the records reveals that the documents proposed to be filed are only with regard to Gratuity and for permission for Superannuation and the quantum of pension cannot be decided on the basis of this documents. Hence, the petition to receive additional document is dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

LS

To

1.The Motor Accident Claims Tribunal -
Special District Judge,
Tiruchirapalli.

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ORDER DATED : 15/03/2023

ORDER

CMP (MD) No.820 of 2020
in
CMA(MD) . No.596 of 2019

SI/(19.04.2023) 2P/ 6C