



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

Monday, the Seventeenth day of April Two Thousand Twenty Three

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMA(MD) . Nos.1107 & 1246 of 2015

CMA(MD) . No.1107 of 2015

1.DHANALAKSHMI
2.RAMA
3.J.SANGEETHA
4.MUTHAATHTHAAL

... Appellants/Petitioners

Vs

1 V.DEVARAJAN

2 THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
91, KAMARAJAR SALAI,
MADURAI-09.

... Respondents/Respondents

Prayer:- Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Special District Judge for MCOP Cases, Madurai, dated 22.04.2015 made in MCOP No.102 of 2013.

CMA(MD) . No.1246 of 2015

UNITED INDIA INSURANCE COMPANY LTD.,
THROUGH ITS BRANCH MANAGER,
NO.91, KAMARAJAR SALAI,
MADURAI-09.

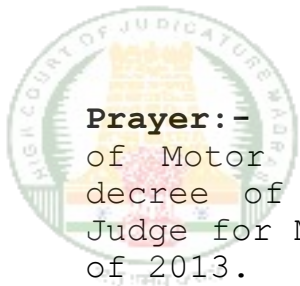
... Appellant/2nd Respondent

Vs

1.DHANALAKSHMI
2.RAMA
3.J.SANGEETHA
4.MUTHAATHTHAAL
5.V.DEVARAJAN

... 1-4 Respondents/1- 4 Petitioners
... 5th Respondent/1st Respondent

(5th Respondent Exparte before the Tribunal vide in EB))



Prayer:- Civil Miscellaneous Appeal is filed under Section 113 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal / Special District Judge for MCOP Cases, Madurai, dated 22.04.2015 made in MCOP No.102 of 2013.

DECREE:- These Civil Miscellaneous Appeal having come up for final hearing on this day, upon perusing the grounds of Appeals, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.M.Ramasubramanian Advocate for the Appellants in CMA(MD) 1107/15 and 1st to 4th Respondents in CMA (MD) No.1246/2015 and of , Mr.I.Robert Chandrakumar Advocate for the 2nd Respondent, in CMA(MD) 1107/15 and of Mr.N.Dilip Kumar Advocate for the Appellant in CMA (MD) No.1246/2015 and of 1st Respondent in CMA (MD)No.1107/2015 none appeared either in person or by an Advocate this Court, while allowing the CMA(MD)No.1246/2015 and dismissing the CMA(MD)No.1107/2015 doth order and decree as follows:-

(1) that the award of the tribunal be and hereby is set aside and the appellant insurance company is liable to pay only a sum of Rs.1,00,000/- to the claimants along with 7.5% interest from the date of the claim petition and the CMA No. 1246/2015 be and hereby is allowed;

(2) that the excess amount deposited by the Insurance Company shall be refunded to the Insurance Company along with accrued interest.

(3) that the claimants are at liberty to approach the appropriate authorities under section 161 and 163 of Motor Vehicles Act for receiving compensation for hit and run case.

(4) that the CMA (MD)No.1107 of 2015 be and hereby is dismissed; and

(5) That there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



TO

The Special District Judge for MCOP Cases,
Motor Accident Claims Tribunal,
Madurai.

WEB COPY

Copy to:

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

+1 CC to Mr.I.ROBERT CHANDRA KUMAR, Advocate (SR-21819/2023)

+1 CC to Mr.N.Dilip Kumar, Advocate (SR-21609/2023)

ORDER DATED : 17/04/2023

DECREE

CMA(MD) No.1107 & 1246 / 2015

Nature of Decree:- Allowing the Civil Miscellaneous No.1246 / 2015 and Dismissing the Civil Miscellaneous Appeal No.1107 / 2015 preferred against the judgment and decree of the Motor Accidents Claims Tribunal, The Special District Judge, Madurai made in M.C.O.P.No.102 of 2013, dated 22/04/2015, etc., as stated therein

RS//SAR-(08.07.2023) 3P 6C