



C.M.A.(MD)No.465 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.465 of 2018

and

C.M.P.(MD)No.5559 of 2018

P.Parvathi

... Appellant

Vs.

1.J.Banupriya

2.K.Babu

3.HDFC ERGO General Insurance
Company Ltd.,
6th Floor, Leela Business Park,
Mumbai-400 59.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 12.03.2018 passed in M.C.O.P.No.324 of 2014 on the file of the Motor Accident Claims Tribunal Cum Sub-Court, Kulithalai.



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For Appellant : Mr.N.Sudhagar Nagaraj
For R-1 & R-2 : No appearance
For R-3 : Mr.V.Sakthivel

JUDGMENT

The present Civil Miscellaneous Appeal is filed, to set aside the judgment and decree dated 12.03.2018 passed in M.C.O.P.No.324 of 2014 on the file of the Motor Accident Claims Tribunal Cum Sub-Court, Kulithalai.

2.Heard the learned Counsel appearing for the appellant, the learned Counsel for the third respondent and perused the materials available on record.

3. The learned Counsel appearing for the appellant has submitted that the Tribunal has awarded an amount of Rs.16,07,000/- (Rupees Sixteen Lakhs and Seven Thousand only) as compensation passed in



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M.C.O.P.No.324 of 2014, vide judgment and decree, dated 12.03.2018.

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The said amount was apportioned between the mother of the deceased and the wife of the deceased. The mother was awarded only an amount of Rs.3,00,000/- (Rupees Three Lakhs only) and the remaining amount was awarded to the wife of the deceased. Hence, the apportionment of share from the total amount to a tune of an additional amount of Rs.3,00,000/- (Rupees Three Lakhs only), the mother has preferred an appeal.

4. I am of the considered view that the mother is entitled to the said apportionment. In view of the same, the apportionment of an additional amount of Rs.3,00,000/- (Rupees Three Lakhs only) is hereby confirmed. The Insurance Company has already deposited the entire amount to the credit of account of the Tribunal. Hence, the claimants are permitted to withdraw the respective award amount from the Trial Court. The wife is entitled to an amount of Rs.10,07,000/- (Rupees Ten Lakhs and Seven Thousand only) and the mother is entitled to an amount of Rs.6,00,000/- (Rupees Six Lakhs only).



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5. With these observations and directions, this Civil Miscellaneous Appeal is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

01.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Motor Accident Claims Tribunal
Cum Sub-Court,
Kulithalai.

Copy to

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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