



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

Tuesday, the Twenty Second day of December Two Thousand Fifteen  
PRESENT

**The Hon`ble Mr.Justice V.RAMASUBRAMANIAN**  
**and**  
**The Hon`ble Mr.Justice N.KIRUBAKARAN**

CMA(MD) No.1145 of 2015 & Cross Objection No. 35 of 2015

M/s.National Insurance Company Ltd.,  
Tuticorin, having branch Office at  
North Car Street, Near Head Post Office,  
Agastheeswaram Taluk,  
Nagercoil, Kanyakumari District,  
Rep.by its Branch Manager ... Appellant In CMA(MD)No.1145/2015  
and 1st Respondent in Cross Objection 35/2015  
Vs

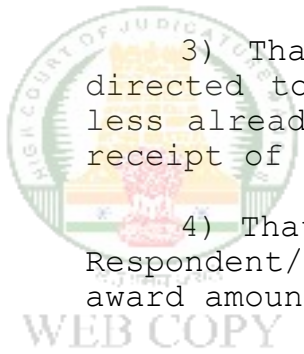
1.L.Paulraj ...1st Respondent in CMA(MD)No.1145/2015  
and Cross objector in Cross Objection 35/2015  
2.Babu  
3. Saravanan ..Respondents 2 & 3 in CMA(MD)No.1145/2015  
and Cross Objection 35/2015

Appeal against the order of the Court of the Motor  
Accident claims Tribunal (II Additional Sub Court) Nagercoil, dated  
4/10/2014 and made in M.C.O.P.No.212/2009.

DECREE : This Appeal coming on for hearing on this day and upon  
perusing the grounds of Appeal, the order of the Tribunal and the  
Material Papers in this case, and also this matter having been  
listed on Wednesday the 6th day of January 2016 under the caption  
"for passing further Orders", and upon hearing the arguments of  
Mr.S.Srinivasa Raghavan, Advocate for the Appellant in CMA(MD)  
No.1145/2015 and for the first respondent in Cross Objection  
No.35/2015 and Mr.M.P.Senthil Advocate for the Ist Respondent in CMA  
(MD)No.1145/2015 and for the Cross Objector in Cross Objection  
No.35/2015 and the 2 & 3 respondents herein not appearing in person  
or by Advocate in CMA(MD)No.1145/2015 and the court observing that  
the counsel for the Appellant having been deposited the award amount  
in the Indian Bank, High Court Branch Madurai and FDR in also issued  
for the deposited Amount and the Court while allowing this Cross  
Objection doth Order and Decree or follows :-

1) That the Civil Miscellaneous Appeal is dismissed.

2) That the Appellant herein/Insurance Company do pay to the First  
respondent/Claimants a sum of Rs.35,00,000/- (Rupees Thirty five lakhs  
only) as total compensation together with interest at the rate of 8%  
p.a instead of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as  
awarded by the Tribunal below.



3) That the Appellant herein/Insurance Company be and hereby is directed to deposit the entire award amount passed by this Court and less already deposited within a period of eight weeks from the date of receipt of copy of this order.

4) That on such deposit as mentioned in clause(3)supra the first Respondent/Claimant be and hereby is entitled to withdraw the entire award amount as awarded by the tribunal below.

5) That the Branch Manager, Indian Bank, High Court Branch, Madurai be and hereby is directed to discharge the FDR and pay the Amount to the Insurance Company and the same shall be deposited before the tribunal within a period of two weeks from the date of receipt of a copy of this order :

6) That the Appellant herein/Insurance Company be and hereby is directed to deposit the enhanced compensation amount within a period of four weeks in M.C.O.P.NO.212/2009 on the file of the Motor Accident Claims Tribunal (II Additional Sub-Court) Nagercoil.

7) That there be no costs in this Appeal.

sd/-

Assistant Registrar (CS-I)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO  
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL  
TRIBUNAL (II ADDITIONAL SUBORDINATE JUDGE)  
NAGERCOIL.

Copy To : 1. The Section Officer, V.R.Section,  
Madurai Bench of Madras High Court, Madurai.

2. The Branch Manager, Indian Bank,  
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.S.Srinivasa Raghavan Advocate Sr.No.1550

+1CC to Mr.P.Senthil advocate Sr.No.957

GJM/NGM/MP/SAR-I-2.6.16-2p-6C

DATED : 22/12/2015 & 6.01.2016  
DECREE

IN

CMA(MD) No.1145 of 2015  
and Cross Objection 35 of 2015

Nature of Decree : Dismissing the Appeal against the award passed in M.C.O.P.No.212.2009 dated 14.10.2014 on the file of the Motor Accident Claims Tribunal (II Additional Sub Court) Nagercoil, etc., as stated within.