

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

Tuesday, the Fifth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMA(MD).No.882 of 2016

P.Ponmalar

: Appellant/Claimant

Vs

1.S.Mano Prabhakar

2.The Proprietor,
TVL Sri Modern Agencies,
Srivilliputhur Taluk,
Virudhunagar District.

3.The Branch Manager,
United India Insurance Company Limited.,
394/8, Lucky Petrol Baluk,
Sriviliiputhur,
Virudhunagar District.

: Respondents/Respondents

Prayer:-

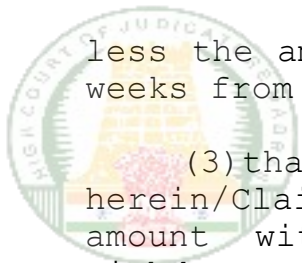
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree by the Chief Judicial Magistrate, Virudhunagar District, Srivilliputhur, dated 01/03/2016 made in M.C.O.P.No.74 of 2015.

DECREE:-

This Civil Miscellaneous Appeal having come up for hearing on Wednesday the Twenty Third Day of December Two Thousand and Twenty, 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.Marimuthu, Advocate for the Appellant and of, Mr.S.Venkatesh for Mr.A.Sivaji, Advocate for the Second Respondent and of Mr.A.Ilango, Advocate for the Third Respondent and First Respondent did not appeared either in person or by an Advocate and having stood over consideration till this day, and this court while Allowing this Appeal in Part and modifying the award passed by the Tribunal below, doth order and decree as follows:-

(1)That the award and decree of the Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur, dated 01/03/2016, made in M.C.O.P.No.74 of 2015 be and hereby is enhanced from Rs.2,97,468/- to Rs.3,87,468/- (Rupees Three Lakhs Eighty Seven Thousand Four Hundred and Sixty Eight Only) along with interest at 7.5% per annum;

(2)that the Third Respondent herein/Insurance Company be and hereby is directed to deposit the modified enhanced award amount,



less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment;

(3) that on such deposit being made, the Appellant herein/Claimant be and hereby is permitted to withdraw the award amount with accrued interest and costs, less amount already withdrawn, if any, on due application before the tribunal; and

(4) that the parties be and hereby are directed to bear their own costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ORDER DATED : 05/01/2021

DECREE

CMA (MD) .No.882 of 2016

Nature of Decree:-While Allowing the Appeal in part and modified the award passed by the tribunal below as against the award and decree by the Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur, dated 01/03/2016 made in M.C.O.P.No.74 of 2015, etc., as stated within.

To

The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

Copy to: The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2)

KMV (CO)

CS (19.01.2021) 2P 4C