



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Fourth day of January Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD) .No.1279 of 2016

Arjunan

... Appellant/ Petitioner

Vs

1.Nagarajan

2.The Divisional Manager,
National Insurance Company,
1st Floor, S.R.D.Building,
No.33, Bharathidasan Salai,
Piramnadu Salai,
Contonment, Trichy.

... Respondents/Respondents

Prayer:-

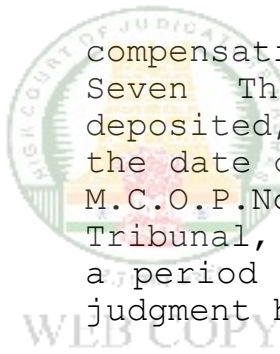
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to modify the judgment and decree, dated 20/11/2015 made in M.C.O.P.No.133 of 2015 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this day, 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.Sivathilakar, Advocate for the Appellant and of M/s.Mariya Vinola, Advocate for Mr.D.Rajkumar, Advocate for the 2nd Respondent and this Court, while allowing this Civil Miscellaneous Appeal in Part and modifying the award passed by the tribunal, doth order and decree as follows:

(1) that the quantum of compensation award passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam, dated 20/11/2015 made in M.C.O.P.No.133 of 2015 be and hereby is enhanced from Rs.1,45,000/- to Rs.1,77,400/- (Rupees One lakh Seventy Seven Thousand Four Hundred Only).

(2) that the Second Respondent herein/National Insurance Company Limited hereby is directed to deposit the enhanced



compensation amount i.e., Rs.1,77,400/- (Rupees One lakh Seventy Seven Thousand Four Hundred Only), less the amount already deposited, together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.133 of 2015 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam, within a period of four weeks from the date of receipt of a copy of the judgment herein.

(3)that on such deposit is being made, the Appellant herein/Claimant be and hereby is entitled to withdraw the award amount with proportionate interests and costs.,

(4)that there be no costs in this Civil Miscellaneous Appeal.
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal and
Chief Judicial Magistrate, Thanjavur at Kumbakonam.

Copy to:

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

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-129[F] dated
04/01/2022)

+1 CC to M/s.D.RAJKUMAR, Advocate (SR-299[F] dated 05/01/2022

ORDER DATED :04/01/2022

DECREE

CMA(MD) .No.1279 of 2016

While Allowing the Civil Miscellaneous Appeal in Part and modifying the award passed by the tribunal below as against the judgment and decree, dated 20/11/2015 made in M.C.O.P.No.133 of 2015 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam.etc., as stated within.