



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

Friday, the Sixteenth day of December Two Thousand Sixteen

PRESENT

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

CMA(MD) No.1413 of 2011

1.Vijayalakshmi
2.Minor Kavitha ... Appellants/Petitioners
(Minor second appellant through her next friend and guardian, the first appellant.)

Vs.

1.V.Gurusamy ... 1st Respondent/1st Respondent
2.The Oriental Insurance Co. Ltd.,
having office at
158, South Main Road,
1st Floor, Thanjavur. ... 2nd Respondent/2nd Respondent

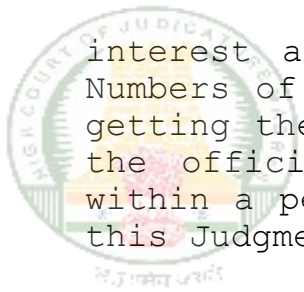
Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, 1988, preferred against the Judgment and Decree of the Motor Accidents Claims Tribunal-Cum-Principal District Court, Thoothukudi, dated 29.08.2002 made in MCOP.No.414/1998.

DECREE : This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, award of the Tribunal below and the material papers of the Appeal and upon hearing the arguments of Mr.I.Robert Chandrakumar for Mr.I.Prabhu Rajadurai, Advocate for the Appellant and of Mr.K.Bhaskaran, Advocate for the 2nd Respondent and the 1st Respondent had already been dispensed with vide order of this Court dated 16.12.2010, this Court while allowing this Appeal, doth order and decree as follows :-

1) that, the award passed by the Motor Accident Claims Tribunal-Cum-Principal District Court, Thoothukudi, dated 29.08.2002 made in MCOP.No.414 of 1998 be and hereby is enhanced to a sum of Rs.1018,000/- (Rupees Ten Lakhs and Eighteen thousand only) from Rs.2,05,400/- (Rupees Two lakhs five thousand and four hundred only) alongwith interest at the rate of 9% per annum from the date of petition till date of realisation ;

2) that, the Appellant herein/claimants be and hereby are not entitled to any interest for the award of compensation for the period between 29/08/2002 and 21/12/2010;

3) that, the Second Respondent herein/Insurance Company be and hereby is directed to transfer the above said sum of Rs.10,18,000/- (Rupees Ten lakhs and Eighteen thousand only) alongwith accrued



interest and costs, equally to the personal savings Bank Account Numbers of the Appellants herein/claimants through RTGS/NEFT, after getting the Account Details from the Appellants herein/Claimants by the officials of the Second Respondent herein/Insurance Company, within a period of six weeks from the date of receipt of a copy of this Judgment and ;

4) that, there be no order as to costs in this Civil Miscellaneous Appeal.

sd/-

Assistant Registrar (CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

To

The Motor Accident Claims Tribunal cum
Principal District Judge,
Thoothukudi.

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

+1CC to Mr.G.Prabhu Rajadurai, Advocate Sr.No.81545

+1CC to Mr.K.Bhaskaran, Advocate Sr.No.81507

GJM/PV/6.1.17-2p-5C

DECREE

IN

CMA(MD) No.1413 of 2011

Date :16/12/2016

Nature of the DECREE : Allowing
the Appeal preferred against
the award of the Principal
District Judge-Cum-Motor
Accident Claims Tribunal,
Thoothukudi, dated 29.08.2002
made in MCOP.NO.414/1998 and
3tc., as stated within.