

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.NPD.No.3855 of 2004

Sivakumar

... Appellant

Vs.

1. R.Palanisamy
2. S.Selvaraj
3. M/s. New India Insurance Co. Ltd.,
453, Big Bazaar Street,
Dharapuram.

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 13.08.2003 made in M.C.O.P.No.146 of 2003 on the file of the Motor Accidents Claims Tribunal, Additional District and Sessions Judge, FTC-III, Dharapuram.

For Appellant	: Mr.P.Jagadeeswaran
For R-1	: Died
For R-2	: Ex-parte
For R-3	: M/s.D.Nadhamuni

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JUDGMENT

The appellant as a claimant has filed a claim petition in M.C.O.P.No.146 of 2003 before the learned Additional District and Sessions Judge, FTC-III, Motor Accidents Claims Tribunal, Dharapuram, for the grievous injuries sustained by him against the respondents herein. The Tribunal, after considering the oral and documentary evidence adduced on the side of the claimant and after hearing the arguments of both sides, awarded a sum of Rs.47,000/- together with interest at 9% per annum from the date of petition till the date of payment towards compensation to the claimant. Aggrieved against the said award passed by the Tribunal, the present civil miscellaneous appeal is preferred by the appellant seeking enhancement of compensation.

2. During the course of argument, the learned counsel for the appellant/claimant and the learned counsel for the third respondent/insurance company submitted that they have agreed to

enhance the award amount and they have also endorsed in the petition as follows:-

"Instead of Rs.47,000/- awarded, it may be increased to Rs.1,40,000/- with interest."

3. Considering the nature of injuries sustained by the appellant/claimant and also considering the above endorsement made, this Court is of the view that the amount of Rs.47,000/- awarded by the Tribunal has to be enhanced to Rs.1,40,000/-.

4. In the result, the Civil Miscellaneous Appeal is partly allowed and the compensation already awarded by the Tribunal is enhanced to **Rs.1,40,000/-** from Rs.47,000/-. The third respondent-insurance company is directed to pay the enhanced compensation amount of Rs.1,40,000/- to the appellant/claimant together with interest at 9% per annum from the date of petition till the date of payment with costs.

10.03.2017

Internet :Yes
Jrl

G.CHOCKALINGAM, J.

Jrl

To

1. The Additional District and Sessions Judge, FTC-III,
Motor Accidents Claims Tribunal, Dharapuram.
2. M/s. New India Insurance Co. Ltd.,
453, Big Bazaar Street,
Dharapuram.
3. The Section Officer,
V.R. Section, High Court, Madras.

C.M.A.NPD.No.3855 of 2004

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