



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

FRIDAY, THE FIFTEENTH DAY OF DECEMBER, TWO THOUSAND AND SEVENTEEN

PRESENT:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.1057 of 2017

Ganesan @ Ganesh Muthu Kumar

... Appellant/ Petitioner

vs

1.Arumugam

2.United India Insurance Company Limited,
Through its Divisional Manager,
No.1, Post Office Road,
Palayamkottai,
Tirunelveli District.

...Respondents/ Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decretal Order of the Motor Accident Claims Tribunal(Additional Subordinate Court), Tirunelveli dated 31.10.2013 passed in MCOP.No.541 of 2010.

ORDER: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers available in this case, and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellant, and of Mr.A.S.Mathialagan, Advocate for the second Respondent this Court while allowing the Appeal in part and in modification of the award of the tribunal below Court doth order and decree as follows:

1. That the appellant/ Petitioner is entitled to a sum of Rs.2,05,000/-(Rupees Two lakhs and five thousand only) as total compensation instead of Rs.1,52,640(Rupees one lakh fifty thousand six hundred and forty) awarded by the tribunal below.

2. That the Second Respondent/ Insurance Company be and hereby is directed to deposit the entire modified Award amount of Rs.2,05,000/-(Rupees Two Lakhs and five thousand only) with interest at the rate of 7.5% per annum and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited if any;

3. That on such deposit being made, the Claimant shall withdraw the entire amount, less the amount already withdrawn by him if any, by filing necessary petition before the Tribunal below;



4. And that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

/True copy/

Sub Assistant Registrar

To

1. The Additional Subordinate Judge,
The Motor Accident Claims Tribunal,
Tirunelveli.

COPY TO:

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

+1CC TO M/S.A.S.MATHILALGAN, ADVOCATE, SR NO.92989

ORDER DATED : 15.12.2017

DECREE

C.M.A. (MD) No.1057 of 2017

Nature of Decree: Partly allowing the Appeal preferred against the Judgment and Decree dated 31.10.2013 in MCOP.No.541 of 2010 on the file of Motor Accident Claims Tribunal/Additional Subordinate Court, Tirunelveli and given directions etc., as stated therein.

KMI

MS/SV-MMS/SAR-4/20.04.2018/2P.5C