



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Sixth day of December Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.1020 of 2016

K.Mariselvam

... Appellant/Petitioner

Vs.

1.A.Joseph

2.Reliance General Insurance Co. Ltd,
Through its Branch Manager,
Nagercoi, Angu Vilas Buildings,
2nd Floor, PLA Kanagu Tower,
15-A, Thillai Nagar, 11th Cross,
Trichy.

... Respondents/Respondents.

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, praying against the judgment and decree dated 28.10.2014 made in MCOP.No.350 of 2014 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tirunelveli.

DECREE: 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 to this case, and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellant and of Mr.G.Maruthiah, Advocate for the respondent No.2 and the 1st respondent has not appeared either in person or through an advocate, this Court while allowing the appeal in part and in modification of the award of the Tribunal below, doth order and decree as follows:-

(1) That the appellant/Petitioner is entitled to a sum of Rs.4,37,780/-(Rupees Four Lakhs Thirty Seven Thousand and Seven Hundred and Eighty Only) as total compensation instead of Rs.3,47,780/-(Rupees Three Lakhs Forty Seven Thousand Seven Hundred and Eighty Only) awarded by the Tribunal;

(2) That the 2nd Respondent/Insurance Company, do deposit the modified award amount Rs.4,37,780/-(Rupees Four Lakhs Thirty Seven Thousand and Seven Hundred and Eighty Only) with interest at 7.5% per annum and costs from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of the order, less the amount already deposited, if any;

(3) That on such deposit, the appellant herein/petitioner shall withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any; and



(4) That there be no costs in this Appeal.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

WEB COPY

Sub Assistant Registrar

To

The Special Subordinate Judge,
Motor Accident Claims Tribunal, Tirunelveli.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai (2 Copies).

+1CC to Mr. T. Selvakumaran, Advocate, SR.No. 91639

+1CC to Mr. G. Maruthiah, Advocate, SR.No. 91786

DATED : 06/12/2017

DECREE

CMA (MD) No. 1020 of 2016

Partly Allowing this Civil
Miscellaneous Appeal by enhancing
the award passed by Motor Accident
Claims Tribunal/Special Subordinate
Court, Tirunelveli in MCOP
NO. 350/2014, dated 28.10.2004.

AM/SKN RSK/SAR 1/09.02.2018/2P/6C