



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Thirty First day of October, Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.1134 of 2015

V.Thavamani

... Appellant/Petitioner.

Vs.

1.Y.Kami

2.The New India Assurance

Company Ltd,
rep.by its Divisional Manager,
having office at Door.No.248-B,
Kamarajar Salai,
Madurai - 625 009.

...Respondents/Respondents.

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 (1) of Motor Vehicles Act, 1988 against the judgment and degree dated 04.06.2015 made in M.C.O.P No.632 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Madurai.

DECREE: This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the award of the Tribunal and the material papers in the Appeal and upon hearing the arguments of Mr.C.Godwin, Advocate for the Appellant, the first respondent has not appeared either in person or by a counsel, and of Mr.J.S.Murali, Advocate for the second respondent, this Court while allowing the Appeal, doth order and decree as follows:-

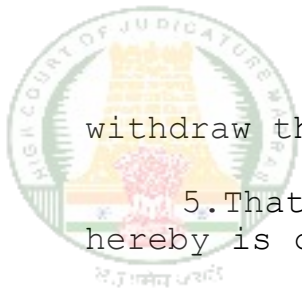
1.That the award dated 04.06.2015 in MCOP No.632 of 2013 passed by the Motor Accident Claims Tribunal(Special Subordinate Judge), Madurai be and hereby set aside;

2.That the Appellant/Claimant herein is entitled to an additional sum of RS.4,25,027/-(Rupees Four lakhs Twenty Five Thousand and Twenty Seven Only);

3.That the second respondent/Insurance Company do deposit the sum of RS.7,96,627/-(Rupees Seven Lakhs Ninety Six Thousand six hundred and Twenty Seven Only) with interest at the rate of 7.5% per annum and costs, from the date of petition till date of realisation, within a period of eight weeks from the date of receipt of a copy of this order;

<https://hcservices.ecourts.gov.in/hcservices/>

4.That on such deposit, the Appellant/Claimant herein shall



withdraw the same by filing proper application;

5. That in other respect the award passed by the Tribunal be and hereby is confirmed; and

6. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

The Special Subordinate Judge,
Motor Accidents Claims Tribunal, Madurai.

Copy to:

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

+1CC to Mr.C.Godwin, Advocate, SR.No. 84584

+1CC to Mr.J.S.Murali, Advocate, SR.No. 84976

ORDER DATED 31.10.2017

DECREE

C.M.A. (MD) No.1134 of 2015

Allowing the Appeal preferred against the Judgment and Decree dated 04.06.2015 in MCOP No.632 of 2013 on the file of the Motor Accident Claims Tribunal (Special Subordinate Court), Madurai and etc., as stated within.

skm

AM/SV MMS/SAR 1/12.02.2018/2P/6C