



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Thirteenth day of December, Two Thousand and Seventeen

WEB COPY

present

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1152 of 2016

Subash @ Suryaprakash

...Appellant / Petitioner

Vs.

1.Nattuthurai

2.Ragavendran

3.Oriental Insurance Co., Ltd.,

First Floor,

Loyolo Building,

Salai Road, Dindigul,

rep. by its Divisional Manager ... Respondents/ Respondents

Civil Miscellaneous appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award of the Chief Judicial Magistrate, Motor Accident claims Tribunal, Dindigul dated 4.3.2015 and made in MCOP No.41/2012.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Lower Court, and upon hearing the arguments of Mr.S.Srinivasa Raghavan, Advocate for the Appellant, and of Mr.C.Jawahar Ravindran, Advocate for the third respondent and the first and second respondent not appearing in person or by an advocate, this court while allowing this Civil Miscellaneous Appeal by modifying the award of the Tribunal below doth order and decree as follows:

1.That the award passed by the Chief Judicial Magistrate, Motor Accident claims Tribunal, Dindigul in MCOP No.41/2012 dated 4.3.2015 be and is hereby modified, and the total compensation is hereby enhanced from Rs.2,20,000/- to Rs.3,25,000/- (Rupees Three lakhs, twenty five thousand only).

2.That the Second respondent/Insurance company be and is hereby directed to deposit a sum of Rs.3,25,000/- with interest at the rate of 7.5% per annum, from the date of petition till the date of realization 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 the claimant be and is hereby permitted to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

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

Sd/

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Dindigul.

Copy to:

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

+1cc to Mr. S. SRINIVASA RAGHAVAN, Advocate, SR.No. 92853

+1cc to Mr. C. JAWAHAR RAVINDRAN, Advocate, SR.No. 93069

DATED: 13.12.2017

DECREE

C.M.A. (MD) No. 1152 of 2016

NATURE OF THE DECREE: Allowing the Appeal preferred against the award of the Chief Judicial Magistrate (MACT), Dindigul in MCOP No. 41/2012 dt 4.3.2015 etc., as stated within.

KK/KKR/SAR-3/06.07.2018/3P-6C/