



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Wednesday, the Twenty Ninth day of November, Two thousand and
Seventeen

PRESENT

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

CMA (MD) No.1164 of 2016

Iyyappan

... Appellant/Petitioner

Vs.

1.Paulraj

2.The Oriental Insurance Company Ltd,
Through its Divisional Manager,
1st Floor, DDJ Centre,
Opposite to Vadasery Bus Stand,
Nagercoil - 629 001.

... Respondents/Respondents

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree of the Special Subordinate Judge, The Motor Accidents Claims Tribunal(special Subordinate Court), Tirunelveli dated 04.04.2014 in MCOP.No.708 of 2013.

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 the material papers available in this case and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellant and of Mr.K.Bhaskaran, Advocate for the Second Respondent, and Mr.S.Meenakshi Sundaram, the first Respondent not appearing, while allowing the Appeal by modification, this court doth order and decree as follows:-

(i) That the Compensation awarded under the Judgment and Decree dated 04.04.2014 in MCOP.No.708/2013 on the file of the Motor Accident Claims Tribunal(Special Subordinate Judge), Tirunelveli be and hereby is enhanced from a sum of Rs.7,57,420/- (Rupees Seven Lakhs Fifty Seven Thousand Four Hundred and Twenty only) to a sum of Rs.9,22,000/- (Rupees Nine Lakhs and Twenty Two thousand only).

(ii) That the Second respondent be and hereby is directed deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till the date of realisation 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;

(iii) That on such deposit being made, the Appellant/Claimant shall be permitted to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn



by him;

(iv) And that there be no costs in this Civil Miscellaneous Appeal.

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/True copy/

Sd/-

Assistant Registrar(CS-II)

Sub Assistant Registrar

To

The Special Subordinate Judge,
Motor Accidents Claims Tribunal,
(Special Sub Court), Tirunelveli.

Copy to:

The Record Keeper, V.R Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.BHASKARAN,Advocate,SR. 90430

+1cc to Mr.T.SELVAKUMARAN,Advocate,SR. 90388

+2cc to Mr.N.GA.NATARAJ,Advocate,SR. 90310

DATED:29.11.2017

DECREE

CMA(MD)No.1164 of 2016

NATURE OF THE DECREE:Allowing
the Appeal in part preferred
against the Judgment / Decree
dated 4.4.14 in MCOP.No.708 of
2013 on the file of the Motor
Accidents Claims Tribunal
(Special Subordinate Court),
Tirunelveli and giving
directions etc. as stated
therein.

KK/SV MMS/SAR 1/27.12.2017/ 2P- 7C/