



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Twenty second day of August, Two Thousand and
Seventeen
PRESENT

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD)No.1317 of 2014

and

Cros.Obj(md)No.3 of 2015

C.M.A(MD)No.1317 of 2014

The Divisional Manager,
United India Insurance Co.Ltd,
Tenkasi.

... Appellant/2nd Respondent

Vs.

1.P.Nantheesvaran
2.P.Angappan

... 1st Respondent/Petitioner
... 2nd Respondent/1st Respondent

Cros.Obj(MD)No.3 of 2015

P.Nandheesvaran

... Cross Objector/1st Respondent

Vs.

1.P.Angappan

... 1st Respondent/2nd Respondent

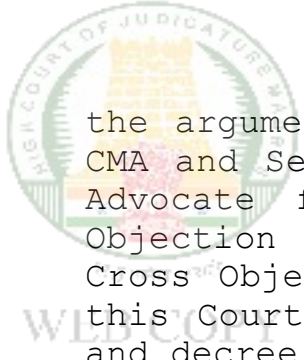
2.The Divisional Manager,
United India Insurance Company Ltd.,
Tenkasi.

... 2nd Respondent/Appellant

This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988 praying to modify the order and decree dated 30.07.2014 passed in M.C.O.P.No.63 of 2012 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Madurai.

The Cross Objection is filed under Order 41 Rule 22 of the Code of Civil Procedure, to allow this Cross Objection made in M.C.O.P.No.63 of 2012 dated 30.07.2014, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Madurai.

DECREE: This Civil Miscellaneous Appeal and Cross Objection coming on for hearing on this day, upon perusing the Grounds of Appeal and the order and decree of the Motor Accident Claims Tribunal and the material papers in these cases, and upon hearing



the arguments of Mr.G.Prabhu Rajadurai, Advocate for Appellant in CMA and Second Respondent in Cross Objection and Mr.R.V.Rajkumar, Advocate for First respondent in CMA And Appellant in Cross Objection and Second Respondent in CMA and First Respondent in Cross Objection having not appeared in person or by an advocate, this Court while enhancing the award of the Tribunal, doth order and decree as follows:

1.That the Order and Decree dated 30.07.2014 made in M.C.O.P.No.63 of 2012 by the Chief Judicial Magistrate, Motor Accident Claims Tribunal, Madurai, be and hereby is modified by enhancing the award of the Tribunal and the Civil Miscellaneous Appeal is Dismissed;

2.That the Cross Objection No.3 of 2015 is Partly allowed;

3.That the compensation awarded by the Chief Judicial Magistrate, Motor Accident Claims Tribunal, Madurai in order dated 30.07.2014 made in M.C.O.P.No.63 of 2012, be and hereby is enhanced from Rs.2,43,010/- to Rs.3,77,010/- (Rupees Three Lakhs Seventy Seven Thousand and Ten only).

4.That the Second Respondent in Cross objection Insurance Company, be and hereby is directed to deposit the entire award amount of Rs.3,77,010 (Rupees Three Lakhs Seventy seven thousand and ten only) with accrued interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order.

5.That, on such deposit being made, the claimant is permitted to withdraw the entire award amount with accrued interest and costs, without filing any formal application before the Tribunal; and

6.And, there be no costs in this Civil Miscellaneous Appeal and Cross Objection.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate
Motor Accident Claims Tribunal,
Madurai.

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

Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



+1cc to Mr.G.PRABHU RAJADURAI, Advocate, SR. 74044

+1cc to Mr.C.KARTHIK, Advocate, SR.73759

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DATED: 22.08.2017

DECREE

C.M.A (MD) No.1317 of 2014

and

Cros.Obj (md) No.3 of 2015

NATURE OF THE DECREE: Partly allowing this Cross Objection and dismissing the Civil Miscellaneous Appeal preferred against judgment and decree passed by Sub ordinate Judge, Motor Accident Claims Tribunal, Madurai made in MCOP No.63 of 2012 dt.30.07.2014 etc., as stated within.

KK/SKN RSK/SAR 1/24.10.2017/ 3P- 5C