



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, Seventh day of December Two Thousand and Seventeen

PRESENT

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) Nos.136 of 2015

Sukumaran @ Suresk Kumar

... Appellant/Petitioner.

Vs.

1.V.Kalavathi

2.The Branch Manager,

ICICI Lombard,

General Insurance Company,

Kumbakonam, Thanjavur District.

... Respondents/Respondents.

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, preferred against the award passed by the Chief Judicial Magistrate, Motor Accidents Claims Tribunal, Thanjavur at Kumbakonam, dated 27/09/2012 made in MCOP No.141/2010.

DECREE: This Civil Miscellaneous Appeal is coming on for hearing on this day, upon perusing the grounds of Appeal, award of the Tribunal below and the material papers of the Appeal and upon hearing the arguments of Mr.S.Siva Thilakar, Advocate for the Appellant and of Mr.K.Samidurai, Advocate for the 1st Respondent and the Respondent No.2 not appeared either in person or by an advocate and having stood over for consideration till this day, this Court while allowing the Appeal in part and in modification of the award of the Tribunal below, doth order and decree as follows:

(i) That, the award dated 27/09/2012 made in MCOP NO.141 of 2010 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam, be and hereby is enhanced from Rs.70,000/- to Rs.1,19,000/- (Rupees One Lakh and Nineteen Thousand only:

(ii) That, the 2nd Respondent herein/Insurance Company be and hereby is directed to deposit a sum of Rs.1,19,000/- (Rupees One Lakh and Nineteen Thousand Only) with interest at 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;

(iii) That, on such deposit, the Appellant herein/Petitioner be and hereby is entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn



by him, if any;

(iv) That, there be and hereby no costs in this Civil Miscellaneous Appeal.

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/True Copy/

Sd/-

Assistant Registrar(T&P)

Sub Assistant Registrar

To
The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Thanjavur at Kumbakonam.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai (2 copies)

+1CC to Mr.S.Siva Thilagar, Advocate, SR.No. 91716

+1CC to Mr.K.Samidurai, Advocate, SR.No. 91834

DATED : 07/12/2017

DECREE

C.M.A.(MD)Nos.136 of 2015

Allowing the Appeal in part preferred against the award passed by the Chief Judicial Magistrate, Motor Accidents Claims Tribunal, Thanjavur dated 27/09/2012 made in MCOP No.141/2010 and etc., as stated within.

skm

AM/CVC/SAR 4/05.04.2018/2P/6C