



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Fourteenth day of November, Two thousand and
Seventeen
PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.181 of 2015

Stephen @ Stephen
Nallathambi

... Appellant/Petitioner

Vs.

1.Sivanthi Roja

2.TATA AIG General Insurance
Company Ltd,

through its Branch Manager,
No.A-501, Fifth Floor,
Building No.4, Infinity Park,
Dindoshi, Malad (E),
Mumbai.

... Respondents/Respondents

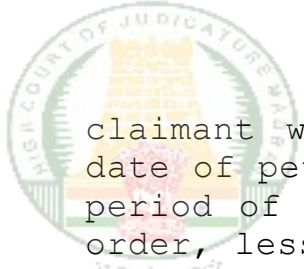
Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 01.09.2014 made in MCOP.Nos.100 of 2012 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Court, Tirunelveli.

DECREE: This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellant and Mr.K.Shivashankari, Advocate for Mr.S.Srinivasaraghavan, Advocate for the 2nd respondent and this Court while allowing the appeal in part and modification of the award of the Tribunal this Court doth order and decree as follows:

1)That the award dated 01.09.2014 in MCOP No.100 of 2012 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Court, Tirunelveli be and hereby is modified.

2)That the Compensation awarded by the Motor Accident Claims Tribunal, Principal Subordinate Court, Tirunelveli be and hereby is enhanced from Rs.1,58,500/- (Rupees One lakh fifty eight thousand and five hundred only) to Rs.2,60,000/- (Rupees Two Lakhs Sixty thousand only).

<https://hcservices.ecourts.gov.in/hcservices/>
3)That the Second respondent/ Insurance Company be and hereby is directed to deposit the entire compensation amount to the



claimant with interest at the rate of 7.5% per annum, from the date of petition till the date of realisation and costs, with in a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any;

4) On such deposit, that the appellant herein/claimant be and hereby is permitted to withdraw the same, by filing proper application before the Tribunal, less the amount already deposited, if any; and

5) That there be and hereby no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge, Motor Accidents Claims Tribunal, Tirunelveli.

Copy to:

The Section Officer, VR Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. T. SELVAKUMARAN, Advocate, SR. 87531

+1cc to Mr. S. SRINIVASA RAGHAVAN, Advocate, SR. 87172

DATED: 14.11.2017

DECREE

C.M.A. (MD) No. 181 of 2015
 Dismissing the Appeal preferred against the judgment and decree dated 01.09.2014 in MCOP No. 100 of 2012 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Court, Tirunelveli and etc., as stated within.

KK/SV MMS/SAR 3/03.01.2018/ 2P- 5C/