

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Monday, the Tenth day of July Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD)No.598 of 2017

Manna Ram

... Appellant/Petitioner

Vs.

1. P.Palanisamy
2. The New India Assurance Company Limited,
Represented through its Branch Manager,
12, New Hospital Road,
Gobichettipalayam,
Erode District-638 452.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award of the Motor Accident Claims Tribunal IV Additional Subordinate Judge, Madurai dated 14.07.2016 and made in M.C.O.P.No.710 of 2012.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the award of the Tribunal below and material records relating to the case, and upon hearing the arguments of Mr.PT.S.Narendravasan, Advocate for the Appellant and of Mr.J.S.Murali, Advocate for the second Respondent, this Court, while Allowing the Civil Miscellaneous Appeal in part, and in modification of the Compensation awarded by the Motor Accident Claims Tribunal, doth order and decree as follows:-

(1)that the award of the Compensation passed by the IV Additional Sub Judge, Motor Accident Claims Tribunal, Madurai in M.C.O.P.No.710 of 2012 dated 14.07.2016 be and hereby enhanced to **Rs.3,81,000/- (Rupees Three Lakhs and Eighty one thousand only)** from Rs.3,23,711/- as awarded by the tribunal.

(2)that the second Respondent/Insurance Company, be and hereby shall deposit the entire award amount, less the amount already deposited, if any, with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this

(iii)that on such deposit being made, the Appellant herein/claimant be and hereby is entitled to withdraw the entire award amount along with proportionate interest and Costs, without filing formal petition; and

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

Sd/-

Assistant Registrar(CS-II)

*** Amended as per order of this
Hon'ble Court dated (17.08.2017)**

/True Copy/

Sub Assistant Registrar

To

**** To be substituted order already despatched on 08.08.2017**

The IV Additional Subordinate Judge,
The Motor Accident Claims Tribunal,
Madurai.

+1cc to M/S. PT.S.Narendravasan, Advocate, SR.No.64196.

+1cc to M/S. J.S.Murali, Advocate, SR.No.64815.

Copy to:

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

ORDER DATED : 10.07.2017

DECREE

C.M.A(MD)No.598 of 2017

Nature of the DECREE:-

Allowing the appeal in part against the decree and Judgment passed in M.C.O.P.No.710 of 2012 dated 14.07.2016 by the MACT/IV Additional sub Judge, Madurai as stated within.

SDS/SV:MMS/SAR 4/18.08.2017/2P/5C

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