



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Twenty Fourth day of October Two Thousand and
Seventeen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMA(MD) No.273 of 2015

Minor Saravanakumar,
S/o.Sudalai,
Minor Represented by through his father
and Next Guardian Sudalai

... Appellant

Vs.

1.Krishnammal
2.Reliance General Insurance Company Limited,
Through its Branch Manager,
No.10/4/4, Thaka Plaza,
2nd Floor,
South Bye Pass Road,
Vannarpettai,
Tirunelveli.

... Respondents

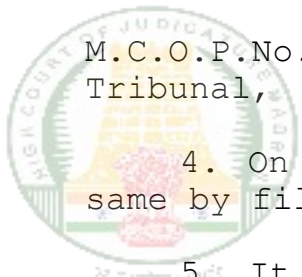
This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.254 of 2013 dated 19.11.2013 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Tirunelveli.

ORDER : This Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the judgment and Decree 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.V.Sakthivel, Advocate for second Respondent and first respondent not appeared in person or by an Advocate, this Court while allowing the Appeal, doth order and decree as follows:

1. that the judgment and decree dated 19.11.2013 made in M.C.O.P.No.254 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Tirunelveli be and hereby modified and the Civil Miscellaneous Appeal is Allowed;

2. That the award passed by the Tribunal is enhanced form Rs.1,72,000/- to Rs.3,47,000/- (Rupees Three Lakhs Forty Seven thousand only).

3. That the respondents be and hereby are directed to pay the said sum of Rs.3,47,000/- to the claimant at 7.5% per annum within twelve weeks from the date of receipt of a copy of this order, less the amount already deposited by them, if any to the credit of



M.C.O.P.No.254 of 2013, on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Tirunelveli.

4. On such deposit, the claimant is permitted to withdraw the same by filing proper application before the Tribunal.

5. It is open to the second respondent to proceed to recover the award amount from the vehicle owner in these proceedings by filing execution petition.

6. That the exonerations of the Insurance Company is set aside.

7. That the Insurance Company is also made liable by applying pay and recover principle.

8. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tirunelveli,

Copy to:

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

+ 1 cc TO Mr.V.Sakthivel , Advocate in SR No. 83602

AE/MR KKR/SAR4/28.11.2017/2P/4C

ORDER DATED :24/10/2017

DECREE

CMA(MD) No.273 of 2015

Allowing the Appeal preferred against the Judgment and decree of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli dated 19.11.2013 made in M.C.O.P.No.254 of 2013.