



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Tenth day of November Two thousand and Seventeen

WEB COPY

PRESENT

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No. 363 of 2015

1. Karunalaya Pandian

2. Rani Duraichi

... Appellants/Petitioners

Vs.

1. Ganesan

2. Royal Sundaram Alliance Insurance Company Ltd,

Through its Branch Manager,

No. 46, Whites Road, Anna Nagar East,

Chennai - 600 014.

... Respondents/Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 08.03.2012 and made in MCOP.No.1000 of 2010 on the file of the Motor Accident Claims Tribunal, (Principal District Judge), 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 Motor Accident Claims Tribunal, (Principal District Judge) Tirunelveli and the material papers in these Appeals and upon hearing the arguments of Mr. T. Selvakumaran, Advocate for the Appellants and of Mr. M. Jerin Mathew, Advocate for Mr. M. E. Ilango, Advocate for 2nd Respondent, and the 1st respondent having not appeared either in person or through his counsel, this Court while allowing the Appeal and in modification of the award of the tribunal below, doth order and decree as follows:

1) That the award dated 08.03.2012 in MCOP.No.1000 of 2010 passed by the learned Motor Accident Claims Tribunal, (Principal District Judge) Tirunelveli be and hereby is modified by enhancing from Rs. 3,79,000/- (Rupees Three Lakhs Seventy nine thousand only) to Rs. 6,79,000/- (Rupees Six Lakhs seventy nine thousand only);

2) That the Second respondent/Insurance Company be and hereby is directed to deposit the entire compensation amount with interest at the rate of 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;



3) That on such deposit the claimants are permitted to withdraw the said amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application;

4) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
(Principal District Judge)
Tirunelveli.

Copy to:

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

+1cc to Mr. T. SELVAKUMARAN, Advocate, SR. 87140

+1cc to Mr. M. E. ILANGO, Advocate, SR. 86763

DATED: 10.11.2017

DECREE

C.M.A. (MD) No. 363 of 2015

NATURE OF THE JUDGMENT:
Allowing this Civil Miscellaneous Appeal preferred against judgment and decree passed by the Motor Accident Claims Tribunal (Principal District Judge), Tirunelveli made in M.C.O.P. No. 1000 of 2010 dated 08.03.2012 etc., as stated within.

KK/KK/SAR 2/07.12.2017/ 2P- 5C/