



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Fifth day of October, Two Thousand and Seventeen

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A(MD)No.37 of 2015

A.Ponraj : Appellant/Claimant

Vs.

1.N.Yovan

2.Shriram General Insurance Company Limited,
10003E8, Ritco Industrial Area,
Epip, Sitapura,
Jaipur, Rajasthan-302022.

3.Senthurpandian

4.The Branch Manager,
National Insurance Company Ltd.,
Branch-II, 92, Devarpuram Road,
Near Court Buildings,
Thoothukudi-628 003.

: Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, against the award and Decree made in M.C.O.P.No.7 of 2012, on the file of the Motor Accident Claims Tribunal (Principal Sub-Court), Tirunelveli, dated 29.04.2014.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to this case and upon hearing the arguments to Mr.T.Selvakumaran, Advocate for the Appellant, Mr.G.Maruthiah, Advocate for the Second respondent, Mr.S.Srinivasa Raghavan, Advocate for the fourth respondent and R1 & R3 have not appeared either in person or through an Advocate, this Court, while allowing the appeal and in modification of the award of the tribunal below, doth order and decree as follows:

(i) that the appellant/claimant is entitled to a sum of Rs.11,96,730/- (Rupees Eleven Lakhs Ninety Six Thousand Seven Hundred and thirty) as total compensation instead of Rs.8,10,130/- (Rupees Eight Lakhs Ten Thousand One Hundred and Thirty Only) awarded by the tribunal;



(ii)that the second respondent/Insurance Company do deposit the modified award amount of Rs.11,96,730/-(Rupees Eleven Lakhs Ninety Six Thousand Seven Hundred and Thirty Only) with interest at the rate of Rs.7.5% per annum with in a period of eight weeks from the date of receipt of a copy of this judgment less the amount already deposited, if any;

(iii)that the interest awarded by tribunal do stand modified and the appellant/Claimant is entitled to interest at 7.5% p.a.;

(iv)That on such deposit, the claimant shall withdraw the entire amount;

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Motor Accident Claims Tribunal
Tirunelveli.

Copy to:

The Section Officer
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1CC to Mr.T.Selvakumaran, Advocate, SR.No. 83676

+1CC to Mr.S.Srinivasa Raghavan, Advocate, SR.No. 83852

+1CC to Mr.G.Maruthaiah, Advocate, SR.No. 83596

ORDER DATED : 25.10.2017

DECREE

CMA(MD)No.37 of 2015

Allowing the Appeal preferred against the judgment and decree dated 29.04.2014 in MCOP No.7 of 2012 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Court, Tirunelveli etc., as stated within.