



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.415 of 2015

C.Edwin Felix

... Appellant/Petitioner

Vs.

1.T.V.Kumaran

2.Cholamandalam M/s.General

Insurance Company Ltd,
Rep.by its Branch Manager,
Regd. Head Office at Dare House,
II Floor, N.S.C.Bose Road,
Chennai - 600 001.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 24.11.2014 made in MCOP.No.169 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Kanyakumari.

For Appellant : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.T.Selvakumaran for R1

Mr.S.Srinivasa Raghavan for R2

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of compensation. It is his case that even though he produced medical bills to the tune of Rs.6,60,367/- vide Ex.P.5, the Tribunal erroneously disallowed and awarded only a sum of Rs.4,48,500/- as damages under the said head. A perusal of the said Ex.P5 would show that the claimant had incurred a sum of Rs.6,60,367/- Therefore, a further sum of Rs.2,11,000/- will have to be awarded to the claimant.

3.The award dated 24.11.2014 made in MCOP.No.169 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Kanyakumari is modified. The claimant shall be



entitled to a further sum of Rs.2,11,000/- over and above what was awarded to him with interest.

4.The first and second respondents are directed to deposit entire compensation amount to the credit of MCOP.No.169 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Kanyakumari, jointly and severally 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. On such deposit, the claimant is permitted to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5.In the result, this Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate Court,
Motor Accidents Claims Tribunal,
Kanyakumari.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 cc TO Mr.S.Srinivasa Raghavan , Advocate in SR No. 89031
+ 1 cc TO Mr.N.Sudhagar Nagaraj , Advocate in SR No. 89050

skm

AE/GT/SAR3/21.02.2018/2P/6C

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