



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Seventh day of September Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A.No.429 of 2015

Gomathiraj

... Appellant/Petitioner

Vs.

1.Vijayakumar

2.United India Insurance Company Ltd,
New 1st Street, Bajaj Complex,
Sankarankovil- Taluk.

...Respondents / Respondents

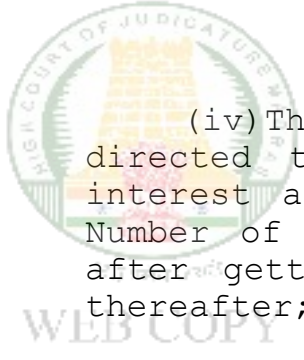
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award of the Motor Vehicles Claims Tribunal, Principal Sub Court, Tirunelveli, dated 04.02.2011 and made in M.C.O.P.No.576/2009.

DECREE: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Motor Vehicles Claims Tribunal, Principal Sub Court, Tirunelveli and the material papers in this Appeal and upon the arguments of Mr.U.Minnavadi, Advocate for Appellant and of Mr.N.Sivakumar, Advocate for first respondent and the second respondent has not appeared either in person or by an advocate, this Court while allowing the appeal in part and in modification of the award of the tribunal below, doth order and decree as follows:

(i)That the compensation awarded for a sum of Rs.1,69,518/- (Rupees One Lakh Sixty Nine Thousand Five Hundred and Eighteen Only) in the order dated 04.02.2011 in MCOP NO. 576/2009 by the Motor Vehicles Claims Tribunal, Principal Sub Court, Tirunelveli be and hereby is enhanced to Rs.3,28,518/- (Rupees Three Lakhs Twenty Eight Thousand Five Hundred and Eighteen Only) along with interest at the rate of 7.5% per annum and the Civil Miscellaneous Appeal is partly Allowed;

(ii)That the Appellant herein/Claimant be and hereby directed to submit his Saving Bank Account detail along with the copy of his passbook to the Tribunal forthwith;

(iii)That the first respondent be and hereby is directed to deposit the entire award amount as enhanced by this Court with accrued interest at the rate of 7.5% p.a., less the amount deposited if any, to the credit of MCOP No.576/2009 before the Motor Vehicles Claims Tribunal, Principal Sub Court, Tirunelveli within a period of eight weeks from the date of receipt of a copy of this Judgment;



(iv) That on such deposit being made, the Tribunal be and hereby directed to transfer the entire award amount alongwith accrued interest and costs directly to the Personal Savings Bank Account Number of the appellant herein/Claimant through RTGS/NEFT system, after getting his Account details within a period of two weeks thereafter; and

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

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To,
The Principal Subordinate Judge,
Motor Accident Claims Tribunal, Tirunelveli.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai(2 Copies)

+1CC to M/s.U.Minnavadi, Advocate, SR.No. 77958

+1CC to Mr.N.Sivakumar, Advocate, SR.No. 77759

DATED : 07.09.2017

DECREE

C.M.A.No.429 of 2015

Allowing the Appeal in part preferred against the Judgment and decree of the Motor Vehicles Claim Tribunal Principal Sub Court, Tirunelveli dated 04/02/2011 made in MCOP NO. 576/2009 and etc., as stated within.

AM/SV MMS/SAR 2/28.02.2018/2P/6C