



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Thirtieth day of August Two Thousand and Seventeen

**PRESENT**

WEB COPY

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.M.A(MD)No.518 of 2015

Girija ... Appellant/Claimant

Vs

1.Pyar John

2.The Divisional Manager,  
The New India Assurance Company Ltd,  
No.85B-Market Road,  
Thanjavur.

... Respondents/Respondents

This Civil Miscellaneous Appeal under Section 173(1) of the Motor Vehicles Act, 1988, has been filed to set aside the Judgment and Decree dated 09.04.2010, made in M.C.O.P.No.590 of 2007 on the file of the Motor Accident Claims Tribunal (Additional District Court /Fast Track Court No.1), Thanjavur.

**DECREE:**This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the Judgment and Decree of the Motor Accident Tribunal (Additional District Court/Fast Track Court NO.1), Thanjavur and the material papers in the Appeal and upon hearing the arguments of Mr.G.Karnan, Advocate for Appellant, and Mr.J.S.Murali, Advocate for Second respondent and no appearance for respondent No.1. This Court while allowing this appeal in part and modification of the decree of the Court below doth order and decree as follows:

1. That the Judgment and decree dated 09.04.2010 made in M.C.O.P. No.590 of 2007 on the file of the Motor Accidents Claims Tribunal (Additional District Court/Fast Track Court No.1), Thanjavur be and hereby is partly Allowed.

2. that the enhancing the award of the Tribunal from Rs.1,03,000/- (Rupees One lakh and Three Thousand Only) to a sum of Rs.2,86,00/- (Rupees Two Lakhs and Eighty Six Thousand Only) along with interest at the rate of 7.5% p.a. from the date of petition till date of realization and proportionate costs.

3. that the second respondent/insurance company be and hereby ordered to pay the amount awarded by the Court, with interest at the rate of 7.5% p.a. from the date of petition, till



realization, at the first instance and then, recover the same from the owner of the vehicle/first respondent.

4. that the insurance company shall deposit the award amount to the credit of M.C.O.P. on the file of claims Tribunal within a period of eight weeks from the date of receipt of a copy of this order.

5. that the insurance Company be and hereby is entitled to recover the same from the owner of the vehicle/first respondent by way of Execution Petition.

6. that on such deposit being made, the appellant/claimant is permitted to withdraw the entire award amount with accrued interests and costs, without filing any formal application before the Tribunal and

7. that there be no costs in this appeal.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The Motor Accidents claims Tribunal,  
Additional District Court / Fast Track Court, Dindigul.

2.The Section Officer, VR Section,  
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.J.S.Murali, Advocate, SR.No. 75635

+1CC to Mr.G.Karnan, Advocate, SR.No.75391

DATED : 30.08.2017

**DECREE**

C.M.A(MD)No.518 of 2015

**Nature of the Decree:** Partly Allowed this Civil Miscellaneous Appeal preferred against judgment and decree passed by Motor Accident Claims Tribunal, (Additional District Court/Fast Track Court No.1), Thanjavur made in MCOP No.590 of 2007 dated: 09.04.2010 etc., as stated within.