



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Third day of November, Two thousand and Seventeen

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.919 of 2015

1.N.Nallamuthu

2.N.Premkumar

3.Minor N.Preethi

(Represented by her mother
and natural guardian 1st
appellant herein)

... Appellants/Petitioners

Vs.

1.P.K.Kurian

2.The Branch Manager,

The New India Assurance Company Limited,
Angamally Branch,
Delta Centre, M.C.Road,
Angamally
Kerala-683 572.

3.Reju

4.K.Vijayakumar

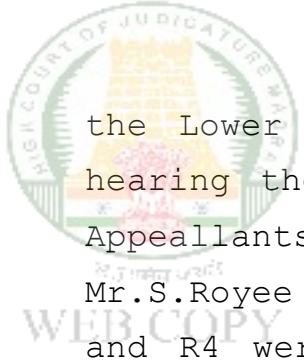
5.The Manager,

United India Insurance Company Limited,
8, Municipal Vegetable Market Shopping
Complex, A.M.Road,
Perumbavoor, Ernakulam,
Kerala-683 542.

... Respondents/Respondents

Prayer: This Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, praying to allow this appeal and modify the award amount passed in M.C.O.P.No.327 of 2012 on the file of the Motor Accident Claims Tribunal / Principal District Judge, Karur, dated 23.12.2014.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day. Upon perusing the grounds of Appeal, the Judgment and Decree of



the Lower Court and the material papers in this appeal and upon hearing the arguments of Mr.N.Sudhagar Nagaraj, Advocates for the Appellants and of Mr.A.Ilango, Advocate for the 2nd respondent and Mr.S.Royee Emmanuel, Advocate for the 5th respondent and the R1, R3 and R4 were set ex-parte, this court while partly allowing this appeal with modification, doth order and decree as follows:-

1.that the award dated 23.12.2014 made by the Motor Accident Claims Tribunal / Principal District Judge, Karur in M.C.O.P.No.327 of 2012 be and hereby is enhanced from Rs.10,85,000/- to Rs.14,30,652/- (Rupees Fourteen Lakh Thirty Thousand Six Hundred and fifty two only);

2.That the respondents 1,2 and 3 be and hereby are directed to deposit the entire compensation amount of Rs.14,30,652/- (Rupees Fourteen Lakh Thirty Thousand six Hundred and fifty two only) with interest at 7.5% per annum and costs from the date of petition till the date of realization, 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 appellants/Claimants be and hereby are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

4.That the Civil Miscellaneous Appeal be and hereby is partly allowed;

5.That there be no costs.

Sd/-
Assistant Registrar (Records)

/True Copy/



To

1. The Principal District Judge,
Motor Accidents Claims Tribunal,
Karur.

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.N.SUDHAGAR NAGARAJ, Advocate SR.No.85475.

+1cc to M/S.ROYCE IMMANUEL.S, Advocate SR.No.85423.

C.M.A. (MD) No.919 of 2015
03.11.2017

tsg

SDS/SKN:RSK/SAR 1/28.11.2017/3P/5C