



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Third day of August Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A. (MD) .No.1611 of 2013

A.Sultan Mohaideen

... Appellant/Petitioner

Vs.

1.P.S.K.Sankar

2.United India Insurance Company Limited Madurai,
through its Divisional Manager,
No.52, South Masi Street,
Madurai -625 002.

... Respondents/ Respondents

(1st Respondent was ex-parte in the lower Court,
hence notice may be dispensed with)

Prayer:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and modify the Judgement and Decree in M.C.O.P.No.1101 of 2009, dated 30.03.2012, on the file of Motor Accident Claims Tribunal, II-Additional Sub-Court, Madurai.

DECREE: This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the case and upon hearing the arguments of Mr.C.Godwin, Advocate for the Appellant, and the first respondent has not appeared either in person or through an Advocate, and of Mr.N.Sivakumar, Advocate for second respondent and in pursuance of the order dated 03.08.2017 in CMA(MD)No.1611 of 2013, the counsel for the Appellant having paid Additional Court Fee to a sum of Rs.6,240 (Rupees Six Thousand Two Hundred and Forty Only) vide SR.No. 8333, dated 26.02.2018, and this Court while allowing the Appeal in part and in modification of the award of the tribunal below, doth order and decree as follows:

1. That the award of the Tribunal be and hereby is enhanced from Rs.1,68,000 (Rupees One Lakh and Sixty Eight Thousand Only) to Rs.10,91,520/- (Rupees Ten Lakhs Ninety One Thousand Five Hundred and Twenty Only) along with interest at the rate of 7.5% p.a. from the date of petition till date of realisation and proportionate costs. Thereby the Civil Miscellaneous Appeal is allowed in part;

2. That the second respondent/Insurance Company do hereby directed to deposit the entire compensation amount of Rs.10,91,520/- (Rupees Ten Lakhs Ninety One Thousand Five Hundred and Twenty Only) with accrued interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment;



3. That on such deposit, being made, the appellant herein/Claimant is permitted to withdraw the award amount with accrued interest and costs, without filing any formal application before the Tribunal; and

4. that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The II-Additional Subordinate Judge,
Motor Accident Claims Tribunal, Madurai.

Copy to:

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

+1cc to M/S.N.SIVAKUMAR, Advocate SR.No.70390.

+1cc to M/S.C.GODWIN, Advocate SR.No.70053.

ORDER DATED : 03.08.2017

DECREE

C.M.A. (MD) .No.1611 of 2013

Allowing in part the appeal preferred against the Judgment and Decree dated 30.03.2012 in MCOP No.1101 of 2009 on the file of Motor Accident Claims Tribunal, II Additional Subordinate Court, Madurai and etc.,

AM/SKN RSK/SAR 1/02.03.2018/2P/6C