

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Tuesday, the Nineteenth day of September Two Thousand and Seventeen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU
CMA(MD) No.2077 of 2013

WEB COPY

1.G.P.M.Manoharan

2.M.Aruna

3.M.Saranya

4.M.Kaaleedass

...Appellants/petitioners

Vs.

1.N.Rajmohan

2. The Branch Manager,
Bajaj Alliance General Insurance CO.Ltd,
No.126, V.P.Towers,
Opp.to Chennai Silks,
Kovai Main Road, Karur.

...Respondents/Respondents

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in MCOP.No.464 of 2011 passed by the Motor Accident Claims Tribunal (District Judge), Karur, dated 14.02.2013.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers relating to this case and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellant, and of Mrs.K.R.Shivasankari for Mr.S.Srinivasa Raghavan, Advocate for the Respondent 2nd Respondent and the 1st respondent not appearing either in person or through an Advocate and this court while allowing this Appeal and in modification of the award of the Tribunal below doth order and decree as follows:

i) that the Appellants herein/Petitioners be and hereby are entitled a sum of Rs. 6,73,400/- (Rupees Six lakh seventy three thousand and four hundred only) as total compensation instead of Rs.1,85,000/- (Rupees One lakh and eighty five thousand only) as awarded by the Tribunal;

ii) the modified award amount shall carry interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs;

iii) that the second respondent/Insurance Company do deposit the entire modified award amount with accrued interests and costs, less the amount already deposited, if any, within a period of eight weeks (8) from the date of receipt of a copy of this judgment;



iv) that on such deposit the appellants herein/claimants shall withdraw their shares as apportioned by the Tribunal, with accrued interests and costs, without filing any formal application before the Tribunal;

v) that there be no costs in this civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Judge,
Motor Accident Claims Tribunal,
Karur.

Additional Court fee paid vide Sr.No.45085 dated 10.11.2017

copy to

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

+1cc to M/S.T.Selvakumaran, Advocate SR.No. 80109
+3cc to M/S.S.Srinivasa Raghavan, Advocate SR.No. 80036

VB/SV/SAR4/08.06.2018/2P/8C

DATED :19/09/2017

DECREE

CMA(MD) No.2077 of 2013

Nature of the Decree: Allowing this Appeal preferred against the award of the Motor Accident Claims Tribunal (District Judge), Karur, made in MCOP.No.464 of 2011, dated 14.02.2013 etc., as stated within.