



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE THIRD DAY OF OCTOBER
TWO THOUSAND AND EIGHTEEN
PRESENT

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3124 of 2010

M.Rajiv

..Appellant/ Petitioner

Vs

1.N.Seshadri

2.The Branch Manager,

United India Insurance Company Limited,

Branch Office,

No.6, Ganga Giriha 2nd Floor,

Nungambakkam High Road,

Chennai -34.

...Respondents/ Respondents

Appeal against the Decree and judgment of the Motor Accidents Claims Tribunal cum Sub-Court at Tirupattur, Vellore District and made in M.C.O.P.No.545 of 2004, dated 15.07.2010.

Decree: This Appeal coming on for hearing on this day upon perusing the petition of Appeal, the material records of the lower court and upon hearing the arguments of Mr.PA.Sudesh Kumar, Advocate for the Appellant and of Ms.R.Rathna Thara, Advocate for second respondent, While allowing this Appeal in part and this Court Modification of the award as the doth order and decree as follows:

i)that the award passed by the tribunal be and herein is enhanced the compensation from Rs.44,000/- (Forty four thousands only) to Rs.50,000/- (Fifty thousands only) and the enhanced amount shall carry interest at the rate of 7.5% from the date of claim till the date of realisation.

ii)that the second respondent herein/Insurance Company be and hereby is directed to deposit the entire compensation awarded by this Court along with interest at the rate of 7.5% per annum from the date of claim till the date of realisation, after deducting the amount already deposited to the credit of M.C.O.P.No.545 of 2004, within a period of four weeks from the date of receipt of a copy of this order.

iii)that On such deposit being made, that the Appellant herein/Claimant be and hereby is permitted to withdraw the said sum by filing an appropriate application before the Tribunal.



iv)that the second respondent herein/Insurance Company be and hereby is permitted to recover the compensation amount to be paid to the Appellant herein/Claimant from the first respondent/owner of the vehicle.

v)that there be no costs in the civil Miscellaneous appeal.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

To

1.Motor Accidents Claims Tribunal Subordinate Judge,
Tirupattur,
Vellore District.

2.The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to Mr. PA.Sudesh Kumar , Advocate SR.No. 68194

+1cc to Ms.R.Rathna , Advocate SR.No. 68034

Dated:03/10/2018

DECREE

C.M.A.No.3124 of 2010

Modifying the appeal preferred against the Judgment and decree of the Motor Accident Claims Tribunal, Sub-Court at Tirupattur, Vellore District and made in M.C.O.P.No.545 of 2004, dated 15.07.2010 etc as stated within.

ASK(29/11/2018)