



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Seventeenth day of July, Two Thousand and Eighteen
present

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).No.528 of 2017

C.Patturaja ... Appellant/ Petitioner

Vs.

1.Sunitha J.Thomas

2.The Divisional Manager,
Royal Sundaram Alliance Insurance
Company Limited,
Madurai.

3.L.C.Bindhu

4.The Branch Manager,
ICICI Lombard General Insurance
Company limited,
Tuticorin. ... Respondents / Respondents

(R3 remained exparte before the Tribunal and hence, notice for R3 dispensed with vide USR No.2752 dated 25/06/18)

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree of the Motor Accidents Claims Tribunal (Principal Subordinate Judge), Tirunelveli dated 30.06.2011 passed in MCOP No.51 of 2009.

DECREE: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellant, Mr.P.Vishnuvardhan, Advocate for the first Respondent,, Mr.M.E.Elango, Advocate for the 2nd Respondent and of Mr.K.K.Ramakrishnan, Advocate for the Fourth Respondent, this Court while allowing the Appeal, doth order and decree as follows:

1)that the appellant/claimant is entitled to a sum of Rs.3,56,760/- (Three Lakhs Fifty six Thousand and Seven hundred and sixty only) as total compensation, instead of Rs.2,23,760/- (Rupees Two Lakhs, Twenty Three Thousand and Seven Hundred and Sixty awarded by the Tribunal.

2)That the Second Respondent/Insurance Company do deposit the entire Award amount with accrued interest and costs from the date of Petition till the date of deposit, within a period of eight weeks



from the date of receipt of a copy of the Judgment, less the amount already deposited, if any;

3) That on such deposit being made, the Applicant/Claimant shall withdraw the entire Award amount with accrued interest and costs, without filing any formal petition before the Tribunal;

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

Sd/
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar (CS-II)

To
The Principal Subordinate Judge,
The Motor Accident Claims Tribunal,
Principal Subordinate Court,
Tirunelveli.

Copy to:
The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to Mr.T.Selvakumaran, Advocate, SR.No. 73406
+1cc to Mr.M.E.ILANGO, Advocate, SR.No. 73265
+1cc to Mr.K.K.RAMAKRISHNAN, Advocate, SR.No.73338

DATED:17.07.2018
C.M.A(MD).No.528 of 2017

DECREE

NATURE OF THE DECREE: Allowing the Appeal preferred against the Judgement/Decree dated 30.06.2011 in MCOP No.51/2009 on the file of the MACT/Principal Sub Court, Tirunelveli and giving directions etc., as stated therein.

KK/SV/SAR-2/10.10.2018/4P-7C