



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Tuesday the Forteenth day of August Two Thousand and Eighteen
Present

The Hon`ble Ms.Justice V.M.VELUMANI

CMA(MD) . 763/ 2017

WEB COPY

1 MUTHULAKSHMI

... Appellant/Petitioner

- Vs. -

1 KANNAN,

2 THE NEW INDIA ASSURANCE COMPANY LTD., 251 THIRUVORTIYUR HIGH
ROAD, 2ND FLOOR, THANDAIYARPETTAI, CHENNAI-21

... Respondents/Respondents

Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 19.5.2017 made in M.C.O.P. No.357 of 2007 on the file of the Motor Accidents Claims Tribunal Cum Chief Judicial Magistrate Tirunelveli.

Decree: This Civil Miscellaneous Appeal coming for hearing on this day, and upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to this Appeal and upon hearing the arguments of Mr.R.Krishnan, Advocate for Appellant, Mr. J.S.Murali, Advocate for Second Respondent, this Court while allowing in part and in modification of the award of the Tribunal, doth order and decree as follows :

- 1.That the appellant /Petitioner is entitled to a sum to Rs.13,65,000/- (Rupees Thirteen Lakh and Sixty Five Thousand only) as total compensation instead of Rs.7,65,000/- (Rupees Seven lakh and Sixty five thousand only) awarded by the Tribunal;
- 2.That, the second respondent/Insurance Company herein do deposit the entire enhanced compensation amount of Rs.13,65,000/- (Rupees Thirteen Lakh and Sixty Five Thousand only) along with accrued interest and costs to the credit of M.C.O.P.NO 357 of 2007 on the file of the Motor Accidents Claims Tribunal Cum Chief Judicial Magistrate Tirunelveli, 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, that claimant do submit her Savings Bank Account Detail along with the copy of her passbook to the Tribunal forthwith;



4. That, the appellant / Claimant shall not be entitled to interest from 27.10.2009 to 26.10.2015 during which period the claim petition was dismissed and then restored;

5. That the Tribunal shall transfer the entire award amount along with accrued interest and costs directly to the personal Savings Bank Account Number of the appellant / Claimant, through RTGS/NEFT system after getting her Account Details;

6. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal, Tirunelveli.

Copy to

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

- 1 CC TO Mr. R. KRISHNAN, ADVOCATE IN SR No. 78641.
+ 1 CC TO Mr. J. S. MURALI, ADVOCATE IN SR No. 78812.

ORDER DATED: 14.08.2018

DECREE

C.M.A. (MD) No. 763 of 2017

Allowing the Appeal in part preferred against the award and Decree dated, 19.05.2017 made in M.C.O.P. No. 357 of 2007, on the file of the Motor Accidents Claims Tribunal - cum- Chief Judicial Magistrate, Tirunelveli and etc as stated within.

- AM
- DS RSK SAR 1 02 11 2018 2P 6C