



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, Twenty Eighth day of January Two thousand and Nineteen

Present

The Hon`ble Mrs. Justice J.NISHA BANU

CMA(MD) .No.735 of 2018

&

Cross Obj. (MD) No.1 of 2019

The Branch Manager

The Royal Sundaram General Insurance Co Ltd

ATP Towers

No.12A-5th Floor

Bye Pass Road

Madurai District & Munsif

... Appellant/1st Respondent in
Cross Objection/ 2nd Respondent

Vs

1. Rajesh

... 1st Respondent in the
Appeal/Petitioner in
Cross Objection/Petitioner (Claimant)

2. Thanapal

... 2nd Respondent in the Appeal/
2nd Respondent in the Cross Objection/
1st Respondent

PRAYER in CMA(MD) No.735 of 2018 & Cros.Obj(MD) No.1 of 2019

Appeal and Cross Objection have been filed under section 173 of the Motor Vehicles Act, 1988 and under Order 41 Rule 22 CPC respectively, against the award, dated 07.02.2018, made in MCOP No.727 of 2017 by the Motor Accidents Claims Tribunal, (Special District Court for MCOP Cases), Thanjavur.

DECREE :

This Civil Miscellaneous Appeal and Cross Objection coming on for hearing on this day upon perusing the Grounds of Appeal and the Cross Objection, the award of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mrs. K.R.Shivashankari, Advocate for Appellant in CMA and first respondent in Cross Objection and Mr .N. Ilango Advocate for first respondent in CMA and Advocate for Appellant in Cross Objection and no appearance for second respondent either in person or through advocate in both CMA and Cross Objection, This Court while dismissing the Appeal and partly allowing the cross objection petition, doth order and decree as follows:

<https://hcservices.ecourts.gov.in/hcservices/> 1. that the award dated 07.02.2018, made in MCOP No.727 of 2017 on the file of the the Motor Accidents Claims Tribunal Special District Court, Thanjavur. be and



here by is modified and the award is enhanced from Rs.21,86,912/- to Rs.26,75,240/-. This Civil Miscellaneous Appeal is Dismissed and the Cross Objection is Partly Allowed;

2.that the first Respondent herein / claimant be and here by is entitled to get 7.5% interest per annum for the award amount of Rs.25,75,240/- (Rupees Twenty Five Lakhs Seventy Five Thousand Two hundred and forty only) from the date of petition till the date of deposit, the first Respondent herein / claimant is not entitled to get interest for the amount awarded towards future medical expenses;

3.That the appellant herein / Insurance Company be and hereby is directed to deposit the amount now awarded, less the amount already deposited with accrued interest and costs, within period of eight weeks from the date of receipt of a copy of this judgment;

4.on such deposit being made, the first Respondent herein / claimant be and hereby is permitted to withdraw the entire award amount with accrued interest and costs by filling a petition before the Tribunal;.

5.That the first Respondent herein / claimant be and hereby is directed to pay the Court fee, if any to be payable, within a period of four weeks from the date of receipt of a copy of this Judgment

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

The Special District Judge,
The Motor Accident Claims Tribunal,
Special District Court, Thanjavur.

Copy to .

The Record Keeper, (2 copies)

V.R. Section,

<https://hcservices.ecourts.gov.in/hcservices/>

Madurai Bench of Madras High Court,
Madurai.



+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-43296[F] dated 29/01/2019)

+1 CC to M/s.N.ILANGO, Advocate (SR-43376[F] dated 29/01/2019)

WEB COPY

ORDER DATE 28.01.2019

CMA(MD) No.735 of 2018

&

Cross Objn (MD) No.1 of 2019

NATURE OF DECREE

Dismissing the CMA & Partly Allowed
Cross Objn against the award passed by
the The MACT/Spl Dist Court, Thanjavur
made in in MCOP No. 727 of 2017 dated
07.02.2018

KM/ (25.03.2019) 3P 6C