



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Friday, the Fifth day of October Two Thousand and Eighteen

WEB COPY

PRESENT

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

CMA(MD). No.994 of 2018

MAHESWARI

... Appellant/Petitioner

Vs

1 GANESHA MURUGAN

2 THE ORIENTAL INSURANCE CO LTD
THROUGH ITS DIVISIONAL MANAGER, SREE VIJAY
COMPLEX, NO.1024-B, CUMBUM ROAD, OPPOSITE TO
BUS STAND, THENI.

... Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against award dated 12.02.2015 made in M.C.O.P.953 of 2013 on the file of the Motor Accident Claim Tribunal, (Special Sub Court)Tirunelveli.

DECREE:-

The Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds'of appeal, the award of the tribunal and material papers to this Appeal, and upon hearing the argument of Mr.T.SELVAKUMARAN, Advocate for the Appellant, and Mr.K.Bhaskaran, Advocate for Second respondent and the first respondent not appeared either in person or by an advocate this Court while partly allowing the appeal and doth order and decree as follows;

(1)that the award of the tribunal is enhanced from Rs.1,22,500/- to Rs.1,65,500/-(Rupees One Lakh sixty five thousand five hundred only) along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation and proportionate costs;

(2)that the second respondent/insurance company shall deposit the award amount along with accrued interest and costs to the credit of M.C.O.P.No.953 of 2013, on the file of the Motor Accident Claims



Tribunal, Special Subordinate Judge, Tirunelveli, within a period of eight weeks from the date of receipt of a copy of this judgment.

(3) On such deposit, the appellant/Claimant shall withdraw the award amount with interest, by making necessary application before the Tribunal.

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

Sd/-

Assistant Registrar(cs-I)

/True Copy/

Sub Assistant Registrar

TO

The SPECIAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL
TIRUNELVELI

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

ORDER DATED : 05/10/2018

CMA(MD). No.994 of 2018

Nature of Decree:-

Partly allowing the Civil Miscellaneous Appeal against the award dated 12.02.2018 made in M.C.O.P.No.953 of 2013 by the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirunelveli and as stated therein, etc.,

KM-ds/(04.03.2019) 2P 4C