



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

MONDAY, THE SEVENTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND EIGHTEEN

PRESENT:

THE HON'BLE MS.JUSTICE V.M.VELUMANI

CMA(MD) No.955 of 2017

The New India Assurance Co. Ltd.,
Represented by its Divisional Manager,
Having Office at Market Road,
Thajavur Town and Munsif.

... Appellant/2nd Respondent

Vs.

1.Vignesh
2.Ravichandran

... 1st Respondent/Petitioner
... 2nd Respondent/1st Respondent

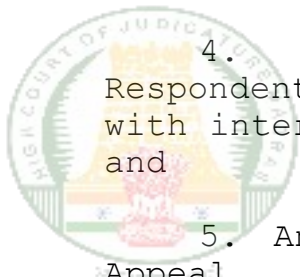
This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree of the Special District Judge, The Motor Accidents Claims Tribunal (Special District Court), Thanjavur dated 27.04.2016 passed in MCOP.No.653 of 2014.

ORDER: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.N.Dilip Kumar, Advocate for the Appellant, and of Mr.P.Vadivel, Advocate for first Respondent, this Court while allowing the Appeal in part and in modification of the Award of the Tribunal, doth order and decree as follows:

1. That the compensation amount of Rs.6,27,446/- (Rupees Six Lakhs Twenty Seven Thousand Four Hundred and Forty Six only) be and hereby is modified and awarded to a sum of Rs.5,52,446/- (Rupees Five Lakhs Fifty Two Thousand Four Hundred and Forty Six only);

2. That the rate of Interest awarded by the Tribunal be and hereby is reduced from 9% to 7.5% per annum

3. That the Appellant/Insurance company be and hereby is directed to deposit the compensation modified as Rs.5,52,446/- (Rupees five lakhs fifty two thousand and four hundred and forty six only) less the amount already deposited if any, along with 7.5% interests and costs, to the credit of MCOP.No.653 of 2014 on the file of the Tribunal, within a period of eight weeks, from the date of receipt of copy of this judgment;



4. that on such deposit being made, the first Respondent/Claimant be and hereby is permitted to withdraw the same with interest by making necessary application before the Tribunal; and

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

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To
The Special District Judge,
Motor Accidents Claims Tribunal (The Special District Court),
Thanjavur.

Copy to:

The Record Keeper,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+ 1 CC to M/s N.Dilip Kumar, Copy Application Sr. No.84564/2018
+ 1 CC to M/s P.Vadivel, Copy Application Sr. No.84857/2018

Dated: 17.09.2018

DECREE

CMA(MD) No. 955 of 2017

Nature of Decree:

Partly Allowing the Appeal preferred against the J/D dated 27.04.2012 in MCOP. No.653/2014 on the file of the MACT/Spl. District Court, Thanjavur and giving directions etc.as stated therein.

DKS (CO)

TR (29.05.2019) 3P 6C

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