



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fourth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.11392 of 2018
IN
CMA(MD) No.SR44080 of 2018

1 MUTHUSAMY
2 VISALAKSHI
3 LAKSHMI RAJAM
4 MINOR.RAM ARAVIND
5 MINOR.VIJAY ARAVIND
(MINOR PETITIONERS 4 & 5 REP THROUGH THEIR
MOTHER AND GUARDIAN LAKSHMI RAJAM/
3rd PETITIONER HEREIN)

... PETITIONERS/APPELLANTS

Vs

1 CHIKKANA
2 ICICI LAMBARD,
GENERAL INSURANCE CO., DR.RAJKUMAR ROAD,
BANGALORE, KARNATAKA STATE,
THROUGH ITS BRANCH MANAGER.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant EXEMPTION from the payment of court fee of Rs.2,99,000/- in CMA(MD)SR.No.44080 of 2018 filed against the fair and decreetal order in MCOP No.43 of 2013 dated 18.04.2018 passed by MACT cum Subordinate Judge, Ambasamudram and thus render justice.

PRAYER IN CMA(MD) No.SR44080 of 2018

Enhance the compensation award to Rs.5,00,00,000/- (Five Crores) as claimed by the appellants/petitioners by modifying the fair and decreetal order in M.C.O.P.No.43/2013 dated 18.04.2018 passed by Motor Accident Claim Tribunal cum Subordinate Judge, Ambasamudram and allow this Civil Miscellaneous Appeal with interest and cost and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.P.NARAYANAKUMAR, Advocate for the petitioners, the court made the following order:-



[Order of the Court made by **S.S.SUNDAR, J.**]

This petition is filed to grant exemption to the petitioners from the payment of Court fee of Rs.2,99,000/- in CMA(MD)SR.No.44080 of 2018, that has been preferred against the order in M.C.O.P.No.43 of 2013, dated 18.04.2018, passed by the Motor Accidents Claims Tribunal-cum-Subordinate Judge, Ambasamudram.

2.The petitioners are the claimants in M.C.O.P.No.43 of 2013 on the file of the Subordinate Court, Ambasamudram. As against the claim of Rs.5,00,00,000/-, the Tribunal awarded a sum of Rs.47,95,000/- with interest. It is stated that the respondent / Insurance Company, who has been directed to pay compensation, has not deposited the amount in Court. In the meanwhile, the claimants have preferred the above appeal along with this petition for grant of exemption for payment of Court fee of a larger sum of Rs.2,99,000/-.

3.The petitioners have satisfied this Court that they are not in a position to pay the entire Court fee for valid reasons. However, the petitioners have been awarded a larger sum by virtue of the award of the Motor Accidents Claims Tribunal. Hence, this petition is allowed and the petitioner is exempted from the payment of Court fee of Rs.2,99,000/- in CMA(MD)SR.No.44080 of 2018 for the present, subject to the condition that the petitioners shall pay the entire Court fee, as and when the petitioners receive any part of the amount, that has now been awarded as compensation to the claimants / petitioners in M.C.O.P.No.43 of 2013.

sd/-

04/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIM TRIBUNAL,
AMBASAMUDRAM.

PS/VR-MMS/SAR-2/12/12/2018/2P/2C

ORDER

IN

CMP(MD) No.11392 of 2018

IN

CMA(MD) No.SR44080 of 2018

Date :04/12/2018