



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Ninth day of October Two Thousand Eighteen
PRESENT

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

CMA(MD). No.867 of 2018
and
Cross Obj (MD)No.25 of 2018

WEB COPY

THE BRANCH MANAGER,
THE NATIONAL INSURANCE CO.LTD.
SALEM
BRANCH OFFICE
33 PROMENADE ROAD
CANTONMENT
TRICHY-1.

...Appellant/Respondent No.2
Vs

1 MANIKANDAN, ...1st Respondent/Petitioner
2 RAMALINGAM, ...2nd Respondent/1st Respondent

Cross Obj (MD)No.25 of 2018:

Manikandan ...Cross Objector/1st respondent/claimant
(Declared major and amended as per order in IA No.606/2012 dated
31/07/2012)

vs

1 THE BRANCH MANAGER,
THE NATIONAL INSURANCE CO LTD.,
SALEM, BRANCH OFFICE,
33,PROMENADE ROAD,
CANTONMENT, TRICHY 1. ...Respondent/Appellant/2nd Respondent
2.Ramalingam ...Respondent/2nd Respondent/1st Respondent

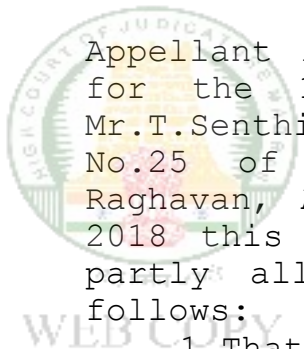
Prayer in CMA(MD). No.867 of 2018:-

Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, to set aside the judgment and decree of
the SPECIAL SUB JUDGE, TIRUCHIRAPPALLI MACT, dated 07/01/2014 made
in MCOP.2569/2013

PRAYER IN CROSS OBJ(MD)NO.25 OF 2018:

Cross Objection filed under Section 41 Rule 22 of CPC praying
this Court to enhance the award of compensation passed in MCOP
No.2569 of 2013 dated 07.01.2014 on the file of Motor Accident
Claims Tribunal(Special Sub-Judge)Trichy and enhance the award
amount to the cross objector.

DECREE:- This Civil Miscellaneous Appeal along with Cross Appeal
coming on for hearing on this day, upon perusing the grounds of
Appeal, the Judgment and Decree of the Lower Court and the material
papers in the Appeal and upon hearing the arguments of
Mrs.K.R.Shiva Shankari for Mr.S.Srinivasa Raghavan, Advocate for the



Appellant in CMA(MD)No.867 of 2018 and Mr.T.Senthilkumar, Advocate for the 1st Respondent herein in CMA(MD)NO.867 of 2018, and Mr.T.Senthil Kumar, Advocate for the Cross objector in Cross Obj(MD) No.25 of 2018 and Mrs.K.R.Shiva Shankari for Mr.S.Srinivasa Raghavan, Advocate for the 1st respondent in Cross Obj(MD)No.25 of 2018 this Court while dismissing the Civil Miscellaneous Appeal, partly allowing the Cross Objection doth order and decree as follows:

1.That the Civil Miscellaneous Appeal(MD)No.867 of 2018 do stand dismissed.

2.That the Cross Obj(MD)No.25 of 2018 is partly allowed.

3.That the judgment and decree dated 07.01.2014 made in MCOP No.2569 of 2013 on the file of the Motor Accidents Claims Tribunal/Special Subordinate Judge, Tiruchirappalli, be and hereby is partly allowed.

4.That the Award of Motor Accident Claims Tribunal(Special Sub Judge),Trichy made in MCOP No.2569 of 2013 dated 07.01.2014 is enhanced from Rs.2,00,400 to Rs.2,52,000/-(Rupees Two lakhs fifty two thousand and four hundred only).

5.That the appellant/Transport Corporation is directed to deposit the entire award amount of Rs.2,52,400/-(Rupees two lakh fifty two thousand and four hundred only) along with interest at 7.5% p.a. And costs to the credit of M.C.O.P.No.2569 of 2013 on the file of the Motor Accidents Claims Tribunal/Special Sub Court, Trichy,within a period of eight weeks from the date of receipt of copy of this Judgment.

6.That on such deposit being made, the claimant is permitted to withdraw the award amount, with interest and costs by making necessary application before the Tribunal.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

TO

The SPECIAL SUB JUDGE, MACT,TIRUCHIRAPPALLI

Copy to:

The Record Keeper,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-92798 dated 30/10/2018)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-93315 dated 31/10/2018)



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DATED : 29/10/2018

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DECREE

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CMA(MD) . No.867 of 2018
and
Cross Obj(MD)No.25 of 2018

Nature of Decree:- Dismissing this Civil Miscellaneous Appeal preferred against judgment and decree passed by Motor Accident Claims Tribunal/special Sub Court,Trichy made in MCOP No.2569 of 2013 and partly allowing Cross Obj(MD)No.25 of 2018 etc., as stated within.

KK/SAR-/13.03.2019/3P-6C