

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Monday, the Twenty Ninth day of October, Two Thousand and Eighteen
present

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

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C.M.A. (MD) No.892 of 2018

K.Subetha

... Appellant/Petitioner

Vs.

1.Balasubramani

2.The Branch Manager,

M/s.National Insurance Co. ltd.,

Branch Office,

5-A, Sub Collector Office Road,

Opp. To District Court Buildings,

Dindigul-1.

... Respondents/Respondents

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 17.03.2017 made in MCOP No.352 of 2014 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Dindigul.

* * * * *

DECREE: This Appeal is coming for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.N.Nagarajan, Advocate for the Appellant and of Mr.A.S.Mathialagan, Advocate on behalf of the second respondent, this Court while allowing the appeal in part with modification of the award of the Tribunal, doth order and decree as follows:

1) That the award passed by the Motor Accident Claims Tribunal (Principal District Judge), Dindigul, dated 17.03.2017 be and hereby is stands enhanced from Rs.2,67,676/- to Rs.3,67,676/- (Rupees three lakhs sixty seven thousand six hundred and seventy six only) along with interest at the rate of 7.5% per annum from the date of petition till date of deposit and proportionate costs;

2) That, the second respondent/insurance company shall deposit the award amount of Rs.3,67,676/- (Rupees three lakhs sixty seven thousand six hundred and seventy six only) to the credit of MCOP No.352 of 2014 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Dindigul, within a period of eight weeks from a period of eight weeks from the date of receipt of a copy of this Judgment;

3) That, on such deposit being made, the appellant/claimant shall withdraw the entire award amount with interest and costs by making necessary application before the Tribunal; and



4) That, there be no cost in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (RTI)

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// True Copy //

Sub Assistant Registrar (CS III)

To

1. The Motor Accident Claims Tribunal,
(Principal District Court),
Dindigul District.

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1cc to Mr. N. Nagarajan, Advocate, SR.No. 93564

+1cc to Mr. A. S. Mathialagan, Advocate, SR.No. 92561

DATED: 29/10/2018

DECREE

C.M.A. (MD) No. 892 of 2018

Allowing the appeal partly preferred against the Judgment and Decree of the Motor Accident Claims Tribunal (Principal District Judge), Dindigul, dated 17.03.2017 made in MCOP No. 352 of 2014 and etc., as stated within.

KK/SAR-/11.03.2019/4P-7C