



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

Tuesday, the Twenty Third day of October Two Thousand and Eighteen
PRESENT

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

CMA(MD) . No.1159 of 2013

MARIAPPAN,
S/O.VELSAMY
NO.12 T.T.C.NAGAR
KUTHUKALVALASAI
TENKASI TALUK
NOW AT 4/888
37TH STREET,
SARANYA BHAVAN
RAHMATH NAGAR
TIRUNELVELI.

... Appellant(s)

Vs

1 KALEESWARI,
W/O.ANANDHA VENKATESH, NO.11-B, VVD ROAD,
THOOTHUKUDI, TUTICORIN DISTRICT.

2 THE BRANCH MANAGER,
THE ORIENTAL INSURANCE COMPANY LTD.,
PALAYAMKOTTAI.

... Respondent(s)

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, preferred against the judgment and decree of the CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI (MACT), dated 12/04/2012 made in MCOP.292/2007.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the judgment and decree made in MCOP.No.292/2007 on the file of the Motor Accident Claims Authority/Chief Judicial Magistrate, Tirunelveli dated 12.04.2012 and the material papers in the Appeal and upon hearing the arguments of MR.T.SELVAKUMARAN, Advocate for the Appellant and of MR.K.BHASKARAN, Advocate for the second respondent, and first respondent herein not appearing in person or by advocate, and this Court, while partly Allowing this Appeal, doth modified the order of the Tribunal and decree as follows:-



(1) that Civil Miscellaneous Appeal in CMA(MD)No.1159 of 2013 do stand partly allowed;

(2)that the award of the Motor Accident Claims Authority/Chief Judicial Magistrate Court, Tirunelveli, made in MCOP.No.292 of 2007 dated 12/04/2012 be and hereby is enhanced from 1,60,000/- (Rupees One Lakh and Sixty Thousand only) to Rs.2,30,000/- (Rupees Two Lakhs and Thirty Thousand only);

(3)that the interest awarded by the Tribunal at the rate of 7.5% per annum remains un-altered;

(4) That the Second Respondent/Transport Corporation is directed to deposit Rs.2,30,000/- with accrued interest and costs, after deducting the amount already deposited if any, within a period of (6) six weeks from the date of receipt of a copy of this judgment;

(5) That on such deposit being made, the appellant/ claimant is permitted to withdraw that award amount with accrued interest and costs by filling necessary application before the Tribunal.

(6) That there be no costs in this Civil Miscellaneous Appeal.

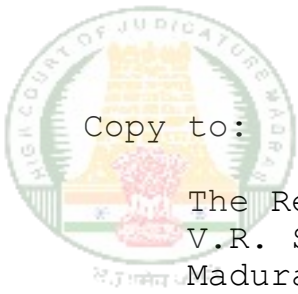
Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar

TO

THE MOTOR ACCIDENT CLAIMS AUTHORITY/
CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL/
CHIEF JUDICIAL MAGISTRATE COURT, TIRUNELVELI



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+1 CC to M/s.K.BHASKARAN, Advocate (SR-91199 dated 23/10/2018)

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-91681 dated 25/10/2018)

ORDER DATED : 23/10/2018

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DECREE

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CMA(MD) . No.1159 of 2013

Nature of Decree:-

Partly Allowing
the Civil Miscellaneous
Appeal filed under Section
173 of the Motor Vehicles Act,
1988, preferred against the
judgment and decree of the
CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI (MACT), dated
12/04/2012 made in MCOP.
292/2007.

ES/04.03.2019/3P/6C