



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Fourteenth day of September  
Two Thousand Eighteen

WEB COPY

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CMA(MD) No.1000 of 2011

Gobinath

... Appellant/Petitioner

vs

1. J.Jeyalakshmi

2. The New India Assurance Company Ltd.,  
66, Melabulivart Road,  
Trichirappalli.

3. The Branch Manager  
United India Insurance Company Ltd.,  
74-A, Salai Road,  
Tiruchirappalli.

... Respondents/Respondents

The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree of the III Additional Subordinate Judge, The Motor Accident Claims Tribunal, Trichy District dated 05.06.2006 passed in MCOP NO.354 of 2003.

ORDER : This Civil Miscellaneous Appeal is coming on for hearing on this day; upon perusing the grounds of Appeal, the Award of the Tribunal and the material papers available to this case, and upon hearing the arguments of MR.B.Prasanna Vinoth, Advocate for the Appellant, MR.A.Ilango, Advocate for the 2<sup>nd</sup> Respondent, and of MR.A.S.Mathialagan, Advocate for the 3<sup>rd</sup> Respondent (the Appeal against the first respondent having been dismissed vide order dated 26.03.2013), this Court while allowing the Appeal in part and in modification of the Award, doth order and decree as follows:-

1. That the Compensation amount of Rs.7,000/- (Rupees seven Thousand only)\_ awarded under the Judgment and Decree dated 05.06.2006 made in MCOP.No.354/2003 on the file of the Motor Accidents Claims Tribunal/III Additional Subordinate Judge, Trichirappalli be and hereby is enhanced to a sum of Rs.38,000/- (Rupees thirty Eight Thousand only) along with interest at the rate of 7.5 Per annum from the date of petition till date of realisation and proportionate costs;

<https://hcservices.courts.gov.in/hcservices/>

2. That the 3<sup>rd</sup> Respondent/Insurance Company do deposit the enhanced award amount along with accrued interest and costs to the credit of MCOP.NO.354 of 2003 on the file of the Tribunal below,



within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any;

3. That on such deposit being made, the Appellant/Petitioner shall withdraw the enhanced Award amount with interest by filing necessary application before the Tribunal, less the amount already withdrawn by him if any;

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-IV)

TO

The III Additional Subordinate Judge,  
The Motor Accidents Claims Tribunal  
(The III Addl. Sub Court),  
Tiruchirappalli.

Copy to

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

+1 CC To MR.B.Prasanna vinoth, Advocate SR. NO.84502

+1 CC To MR.A.Ilango, Advocate SR. NO.84215

+1 CC To MR.A.S.Mathialagan, Advocate SR. NO. 84606

ORDER DATED :14/09/2018

DECREE

CMA(MD) No.1000 of 2011

Nature of Decree :

Allowing the Appeal in part preferred against the Judgment and Decree dated 05.06.2006 passed in MCOP.NO.354 of 2003 on the file of the MACT/III Additional Sub. Court, Tiruchirappalli and giving directions etc., as stated therein.