



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Ninth day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

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CMA(MD) No.182 of 2013

Kandasamy

... Appellant/Petitioner

Vs.

1.Sathishkumar

2.The New India Assurance Company Ltd.,
through its Branch Manager,
First Floor, Pillars Gate,
Bahamore Road, Nagercoil,
Kanyakumari District.

... Respondents /Respondents

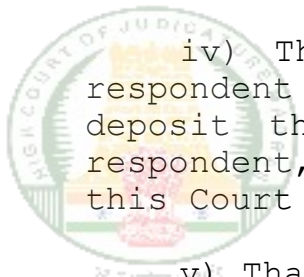
Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in MCOP No.492 of 2011 on the file of Motor Accident Claims Tribunal (Fast Track Court No.2), Tirunelveli dated 29.12.2011.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers relating to this case and upon hearing the arguments of Mr.T.Selva Kumaran, Advocate for the Appellant and of MR.J.S.Murali, Advocate for the 2nd respondent and the first respondent not appeared either in person or by an Advocate and in modification of the Award of the Tribunal below and this Court while allowing this Appeal in part doth order and decree as follows:-

i) That the compensation awarded by the Tribunal be hereby is enhanced from Rs.1,96,100/- (Rupees One Lakh Ninety Six Thousand and One Hundred only) to Rs.2,81,100/- (Rupees Two Lakhs Eighty One Thousand and one Hundred only) (Rs.1,96,100/- awarded by the tribunal +Rs.8,500 enhanced by this Court towards disability and Transportation)

ii) That the 2nd respondent herein/Insurance company be and hereby is directed to deposit the sum of Rs.2,81,100/-Rupees Two Lakhs Eighty One Thousand and one Hundred only) towards compensation with interest @ 7.5%, instead of 8%, excluding the sum already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.

Iii) That on such deposit being made the Appellant/Claimant herein be and hereby is permitted to withdraw the same with accused interests and Costs without filing any formal Application before the Tribunal.



iv) That as far as pay and recovery is concerned, the 2nd respondent herein/Insurance Company be and hereby is directed to deposit the award amount and recover the same from the first respondent, which does not warrant any interference at the hands of this Court and the same do stands confirmed.

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

Sd/-

Assistant Registrar(RTI)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

The Fast Track Court No.2,
Motor Accident Claims Tribunal,
Tirunelveli.

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 cc TO Mr.T.Selvakumaran , Advocate in SR No. 60762

+ 1 cc TO Mr.J.S.Muralai , Advocate in SR No. 60390

ORDER DATED :09/04/2018

DECREE

CMA(MD) No.182 of 2013

Nature of the DECREE: Allowing this Appeal in part preferred against the Judgment and decree of the Motor Accident Claims Tribunal (Fast Track Court No.2) Tirunelveli made in M.C.O.P.No.492 of 2011 dated 29.12.2011 etc., as stated within.

AE/RSK/SAR1/22.05.2018/2P/6C