

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND NINETEEN

PRESENT :

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

CMA NO.2626 OF 2010

Subramaniam

...Appellant / Claimant

Vs

1.A.Nagaraj

2.S.Rajathi

3.The Branch Manager,
The New India Assurance Company Ltd.,
No.674, Periyakulam Road,
Theni, Theni District.

...Respondents / Respondents

Appeal against the Order of the Court of the Motor Accident Claims Tribunal, Ist Additional Subordinate Court, Erode dated 05.07.2004 and made in MCOP No.598 of 2003.

Decree : This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers relating to the case and upon hearing the arguments of Mr.N.Manokaran, Advocate for the appellant and Respondents 1 and 2 not appearing in person or by advocate and of Mr.R.Neethi Perumal, Advocate for the 3rd respondent wherein the appellant herein / petitioner having been paid the Additional Court fees in respect of the enhanced award amount at the time of this Civil Miscellaneous Appeal and this Court, while allowing the Civil Miscellaneous Appeal in part, by modifying the award of the Tribunal, doth order and decree as follows :

1. That the 3rd respondent herein / Assurance Company do pay the Appellant herein / claimant a sum of Rs. 2,06,277/- (Rupees Two Lakhs Six Thousand Two Hundred and Seventy Seven Only) as total Compensation.
2. That the interest awarded by the Tribunal shall reduced to 7.5% per annum from 9%.
3. That the 3rd respondent herein / Insurance Company be and hereby is directed to deposit the modified award amount

together with interest @ 7.5% from the date of petition till the date of deposit together with accrued interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgment.

4. That on such compliance, the appellant herein / claimant shall be permitted to withdraw the entire amount.
5. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Deputy Registrar (CS)

// True Copy //

Sub Assistant Registrar

smn

To

The 1st Additional Subordinate Judge,
The Motor Accident Claims Tribunal,
Erode.

+1cc to Mr.N.Manokaran, Advocate SR.No.87511

+1cc to Mr.R.Neethi Perumal, Advocate SR.No.87516

DATED : 18/10/2019

DECREE

CMA NO.2626 OF 2010

Nature of Decree : Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 05/07/2004 made in MCOP No.598/2003 on the file of the Motor Accidents Claims Tribunal, 1st Additional Subordinate Court, Erode etc., as stated therein.

SR-I(CO)
RVM(06/09/2021)