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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CIVIL MISCELLANEOUS APPEAL NO.3062 OF 2019

Chinnamani

... Appellant/Appellant

-Vs-

1. Sivakumar

2. The Manager,
The Oriental Insurance Company Ltd.,
No.121(3), Raja Complex,
Opp. to Panchamuga Vinayagar Temple,
Paramathi Velur Taluk,
Namakkal District-638 182.

... Respondents/Respondents

PRAYER:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 27.04.2018 made in M.C.O.P.No.23 of 2017 on the file of Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Namakkal.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.C.Thangaraju, Advocate for the Appellant and Mr.R.Sivakumar, Advocate for the 2nd Respondent, 1st Respondent having remained ex-parte before the Tribunal, 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 compensation awarded by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Namakkal made in M.C.O.P.No.23 of 2017, dated 27.04.2018, be and hereby is enhanced from Rs.4,96,680/- (Rupees Four Lakhs Ninety Six



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Thousand Six Hundred and Eighty only) to Rs.13,08,480/- (Rupees Thirteen Lakhs Eight Thousand Four Hundred and Eighty only) with interest at 7.5% per annum from the date of claim petition till the date of depositing the entire compensation before the Tribunal;

2. That the second Respondent/Insurance Company be and hereby is directed to deposit the entire compensation as awarded, along with accrued interest and costs as awarded by the Tribunal, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this order;

3. That on such deposit, the appellant/claimant be and hereby is permitted to withdraw the entire compensation amount in accordance with law, along with accrued interest and costs as awarded by the Tribunal, less the amount(s) if any already withdrawn;

4. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cs

To

1. The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal, Namakkal.

Copy to: The Section Officer,
Vernacular Records, High Court, Madras-104.

+1cc to Mr.C.Thangaraju, Advocate, S.R.No.1529/2021

+1cc to Mr.R.Sivakumar, Advocate, S.R.No.1677/2021

Order Dated:- 11.01.2021

DECREE:-

C.M.A.No.3062 of 2019

Partly Allowing the Civil
Miscellaneous Appeal preferred
against the judgment and Decree



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RP (CO)
CS/19/07/2021
CS/13/09/2021

dated 27.04.2018 made in
M.C.O.P.No.23 of 2017 on the file
of Motor Accident Claims Tribunal/
chief Judicial Magistrate,
Namakkal.