



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

Tuesday, the Twenty Fifth day of June Two Thousand and Nineteen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD). No.166 of 2019

WEB COPY

M.SOMASUNDARAM,
S/O.MANICKAM, NANTHAKOTTAI,
KRISHNARAYAPURAM TALUK,
KARUR DISTRICT.

: Appellant/Claimant

Vs

1. P.KANDASAMY
S/O.PALANIAPPA GOUNDER, 2/11, D.D.,
KARIYAMPATTI, GARUDAYANPALAYAM,
ARAVAKURICHI TALUK, KARUR DISTRICT.

2. M/S. THE ORIENTAL INS.CO.LTD.,
11-12/30, D.S.P. COMPLEX, KARUR MAIN ROAD,
VELAYUTHAMPALAYAM, KARUR DT.

: Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the SUB JUDGE, KULITHALAI /MACT, dated 24/09/2018 made in MCOP.437/2012

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.R.M.SIVAKUMAR, Advocate for the Appellant and of C.JAWAHAR RAVINDRAN, Advocate for the second respondent and the first respondent not appearing in person or by an advocate this Court while partly allowing the Civil Miscellaneous Appeal doth order and decree as follows:-

1.That the Award dated 24/09/2018 passed in MCOP.No.437/2012 by the Motor Accident Claims Tribunal, Kulithalai be and hereby is modified and this Civil Miscellaneous Appeal partly allowed.

2. That the total compensation of Rs.2,63,713 awarded by the Tribunal be and hereby is enhanced to Rs.3,58,713/- (Rupees three lakhs fifty eight thousand seven hundred and thirteen)with 7.5% interest per annum from the date of petition till the date of deposit.

3. That the Second Respondent/Insurance Company do deposit the amount now awarded, less the amount already deposited, with accrued interest and costs, within a period of eight weeks from the date of receipt of a copy of this judgment.



4. On such deposit being made, the Claimant be and hereby is permitted to withdraw the entire amount with accrued interest and costs by filing an application before the Tribunal.

5. That as directed by the Tribunal, the second respondent/Insurance company be and hereby is permitted to recover the entire award amount from the 1st respondent/owner of the vehicle.

6. That the appellant/claimant be and hereby is directed to pay the court fee, if any to be payable, within a period of four weeks from the date of receipt of a copy of this judgment.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
Motor Accident Claims Tribunal,
Kulithalai.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.RM.SIVA KUMAR, Advocate (SR-71055 dated 25/06/2019)
+1 CC to Mr.C.JAWAHAR RAVINDRAN, Advocate (SR-71213 dated 25/06/2019)

ORDER DATED : 25/06/2019

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DECREE

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CMA(MD). No.166 of 2019

Nature of Decree:- Modifying
the Civil Miscellaneous Appeal
preferred against the judgment
and decree of the SUB JUDGE,
KULITHALAI /MACT, dated
24/09/2018 made in MCOP.437/2012