



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

Friday, the Twenty Seventh day of September Two Thousand and
Nineteen

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.186 of 2009

SENTHATTI

... Appellant/Claimant

Vs

1 M/S.BRITTO EXPORTERS
NO.9, 3RD LINE, G.A.ROAD, CHENNAI

2 NATIONAL INSURANCE COMPANY LTD.,
REP.THROUGH ITS BRANCH MANAGER, 175-A,,
GREAT COTTON ROAD, THOOTHUKUDI.

3 RAJANGAM
S/O.NAGASAMY, 4/142-A, POLPETTAI,,
THOOTHUKUDI.

4 NATIONAL INSURANCE COMPANY LTD.,
THROUGH ITS BRANCH MANAGER, 175-A,,
GREAT COTTON ROAD, THOOTHUKUDI.

(R1 IS EX-PARTE, BEFORE THE TRIBUNAL) ... Respondents/Respondents

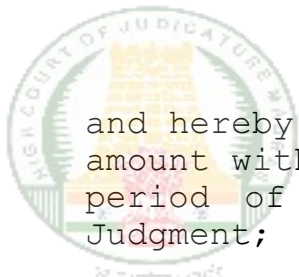
Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal(Additional District court / Fast Track Court No.I), Tirunelveli, dated 07.07.2008 made in M.C.O.P.No.1199 of 2004.

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.T.SELVAKUMARAN, Advocate for the Appellant and of MR.R.SRINIVASAN, Advocate for the respondents 2 and 4 and the Respondents 1 and 3 not appearing either in person or through their Advocate while this court Allowing the Civil Miscellaneous Appeal in part and in modification of the award of the Tribunal,this Court doth order and decree as follows:-

(1) That the award of the Motor Accident Claims Tribunal(Additional District court / Fast Track Court No.I), Tirunelveli, dated 07.07.2008 made in M.C.O.P.No.1199 of 2004 be and hereby is enhanced from Rs.1,79,500/-(Rupees, One lakh seventy nine thousand and five hundred only) to Rs.8,05,600/-(Rupees, Eight lakhs five thousand and six hundred only) with interest at 7.5% per annum as compensation;

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

(2) That the Respondent Nos.2 and 4 herein /Insurance companies be



and hereby are directed to deposit 50% of the amount enhanced award amount with accrued interest and costs before the Tribunal, within a period of 8 weeks from the date of receipt of a copy of this Judgment;

(3) That on such deposit being made, the Tribunal shall transfer such amount to the account of the Appellant herein/Claimant by way of RTGS within a period of 3 weeks thereafter;

(4) That the Appellant herein/Claimant shall paid the additional court fee for a sum of Rs.6,066/-(Rupees, Six thousand and sixty six only) towards enhanced compensation vide cost memo in SR.No.7590 dated.24.03.2020; and

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal,
Additional District court / Fast Track Court No.I),
Tirunelveli,
+ 1 cc to M/s.T.Selvakumaran, Advocate in Sr.No
+ 1 cc to M/s.R.Srinivasan, Advocate in Sr.No.90478/2019.

Copy to:

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

ORDER DATED : 27/09/2019

DECREE

CMA(MD). No.186 of 2009

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in Part against the judgment and decree of the Motor Accident Claims Tribunal(Additional District court / Fast Track Court No.I), Tirunelveli, dated 07.07.2008 made in M.C.O.P.No.1199 of 2004., etc as stated with in.