



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

Tuesday, the Twenty Fourth day of September Two Thousand and Nineteen

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PRESENT

The Hon'ble Mr. Justice KRISHNAN RAMASAMY

CMA(MD). No.675 of 2019
and
Cross Objection (MD) No.12 of 2019

R.Navaneethavelu ... Appellant in CMA(MD). No.675 of 2019 and
1st Respondent in Cross Objection (MD) No.12 of 2019

Vs

1 K.Jeganathan ... 1st Respondent in CMA(MD). No.675 of 2019 and
2nd Respondent in Cross Objection (MD) No.12 of 2019

2 Branch Manager
The Oriental Insurance Co.Ltd,
D.No.90A, Thuraiyur Road,
K.V.A.Complex,
Namakkal District- 637 001.
... 2nd Respondent CMA(MD). No.675 of 2019 and
Cross Objector in Cross Objection (MD) No.12 of 2019

Common Prayer: These Civil Miscellaneous Appeal and the Cross Objection have been filed under Section 173 of the Motor Vehicles Act, 1988, and under Order 41 Rule 22 of the Code of Civil Procedure respectively against the judgment and decree made in MCOP No.185 of 2018 (Old MCOP No.73 of 2015) dated 01/12/2018 on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur.

Order : These Appeal and the Cross Objection coming upon for hearing on this day, upon perusing the grounds of Appeal and the Cross Objection, the order of the Tribunal and the material papers available to this case, and upon hearing the argument of Mr.M.Thirunavukkarasu Advocate for the Appellant in CMA(MD). No.675 of 2019 and for the 1st Respondent in Cross Objection (MD) No.12 of 2019 and of Mr.K.Bhaskaran Advocate for the 1st and 2nd Respondents in CMA(MD). No.675 of 2019 and for the Appellant and 2nd Respondent in Cross Objection (MD) No.12 of 2019, while disposing the Civil Miscellaneous Appeal and the Cross Objection, this Court doth order and decree as follows:



1. that the award amount made in MCOP No.185 of 2018 (Old MCOP No.73 of 2015) dated 01/12/2018 on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur be and hereby is enhanced from a sum of Rs.10,00,000/- (Rupees ten lakhs only) to a sum of Rs.12,50,000/- (Rupees Twelve Lakhs and Fifty Thousand only);

2. that the Insurance Company (2nd Respondent CMA(MD).No. 675 of 2019 and the Appellant in Cross Objection (MD) No.12 of 2019) be and hereby is directed to deposit a sum of Rs.12,50,000/- (Rupees twelve lakhs and fifty thousand only) with interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realisation within a period of six weeks from the date of receipt of a copy of this order, less the amount already deposited if any;

3. that on such deposit, the Tribunal be and hereby is directed to transfer the award amount to the appellant/claimant's account by way of RTGS, within a period of three weeks thereafter;

4. that there be no costs in these Civil Miscellaneous Appeal and the Cross Objection.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

TO

The Motor Accident Claim Tribunal/
Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur

Copy to:

The Record Keeper, V.R. Section, (2 Copies)
Madurai Bench of Madras High Court, Madurai



+1 CC to M/s.N.THIRUNAVUKKARASU, Advocate (SR-89045 dated 25/09/2019)

+2 CC to M/s.K.BHASKARAN, Advocate (SR-89103 & 89104 dated 25/09/2019)

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ORDER DATED : 24/09/2019

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DECREE
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CMA(MD) . No.675 of 2019
and
Cross Objection (MD) No.12 of 2019

Nature of the Decree : Disposing of the CMA(MD). No.675 of 2019 and Cross Objection (MD) No.12 of 2019 preferred against judgment and decree made in MCOP No.185 of 2018 (Old MCOP No.73 of 2015) dated 01/12/2018 on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur etc., as stated within.

JMN(10.12.2019) 3P : 7C