



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Thursday, the Seventeenth day of October Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice KRISHNAN RAMASAMY
CMA(MD). No.713 of 2019

1. Subbiah, S/o.Murugan
2. Renuga, W/o. Murugan,
(Both are residing at Door No.4/87, Padaiyachi Street, Nambuthalai,
Thiruvadanai, Ramanathapuram District)
... Appellants / Petitioners

Vs

1 M.Sithik Ali, S/o. Moopathi,
Door No.4/87, Padaiyachi Street, Nambuthalai, Thiruvadanai Taluk,
Ramanathapuram District.

2 M/s.TATA AIG GENARAL INSURANCE Co., Ltd.,
Rep by its Divisional Manager,,
Divisional Office, No. 4 and 5, A.A.Towers,,
North Block, Bypass Road,
Madurai - 625010. ... Respondents / Respondents
(1st respondent set ex-parte before the Tribunal
Hence, Notice to the 1st respondent may be dispensed with)

Prayer:: Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988, against the award and decree passed in M.C.O.P. No.348 of 2014, dated 06/07/2018 on the file of the Motor Accident Claims Tribunal, Special District Judge, Madurai.

Order: This Civil Miscellaneous Appeal coming up for hearing on this day; upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to this case and upon hearing the arguments of Mr. N. Sudhagar Nagaraj, Advocate for the Appellants and the 1st respondent having set ex-parte before the Trubunal and the second respondent having not appeared either in person or through a Counsel; this Court while allowing the Appeal in Part and enhancing the compensation awarded by the tribunal below, doth order and decree as follows:-

1. That the compensation awarded under the award and decree of the Tribunal below be and hereby is enhanced from Rs.4,81,000/- (Rupees four lakhs Eighty one thousand only) to a sum of Rs.7,11,000/- (Rupees Seven Lakhs Eleven thousand only) along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit with proportionate cost;



2. That the second respondent herein/ Insurance Company do deposit the entire award amount of Rs.7,11,000/- (Rupees Seven Lakhs Eleven thousand only) along with accrued interest and costs, less the amount already deposited, if any, to the credit of the M.C.O.P. No.348 of 2014 on the file of the Motor Accident Claims Tribunal, Special District Judge, Madurai within a period of Three weeks from the date of receipt of a copy of this judgment;

3. That on such deposit being made, the Tribunal be and hereby is directed to transfer the respective shares of the claimants as per the apportionment made in M.C.O.P. directly to the Bank Account of the respective claimants through RTGS within a period of three weeks thereafter;

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The Special District Judge,
Motor Accident Claims Tribunal, Madurai.

Copy to:

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

+ 1CC to Mr. N. Sudhagar Nagaraj, Advocate in Sr. No.92692

ORDER DATED 17.10.2019

DECREE

C.M.A (MD). No. 713 of 2019

Allowing in part the Civil Miscellaneous Appeal preferred against the award passed in M.C.O.P. No.348 of 2014, dated 06/07/2018 on the file of the Motor Accident Claims Tribunal, Special District Judge, Madurai etc., as stated within.

SDS (24.01.2020) 2P-5C

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