



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

Thursday, the Twenty Eighth day of November Two Thousand Nineteen
PRESENT

WEB COPY

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.351 of 2017

1. Ramani, W/o.Vijayakumar,
2. Pon Ahila, D/o.Vijayakumar,
3. Soundarya, D/o.Vijayakumar,
All at High Street, Tirunelveli.
(Appellants 2 and 3 are declared as
major by order dt.22.11.2019) ... Appellants / Petitioners
... Vs. ...

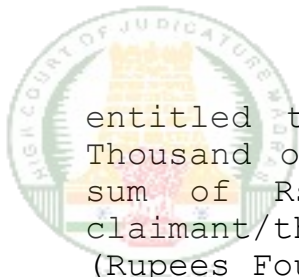
1 Selvakumar Immanuel,
S/o.Kanagaraj,
No.13/28, Sowkiapuram,
Sasthavenallor, Santhankulam Taluk.
2 United India Insurance Company Ltd.,
Through its Branch Manager,
No.457, V.E.Road, Tuticorin. ... Respondents / Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree of the Motor Accident Claims Tribunal, (Special Subordinate Judge), Tirunelveli made in MCOP No.195 of 2015 dated 04.02.2016.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.T.SELVAKUMARAN, Advocate for the Appellants and of MR.A.SHAJAHAN, Advocate for the respondent No.2, that the Appellants having paid the additional Court Fee vide USR No.1955, dated 27.01.2020 before the Madurai Bench of Madras High Court, Madurai, this Court while enhancing the award of the Tribunal doth order and decree as follows:-

(1) That the compensation awarded under the award and decree passed by the Motor Accident Claims Tribunal, (Special Subordinate Judge), Tirunelveli in MCOP No.195 of 2015 dated 04.02.2016 be and hereby is enhanced from Rs.11,36,200/- to Rs.17,10,000/- (Rupees Seventeen Lakhs ten thousand only) and the Civil Miscellaneous Appeal is Allowed.

<https://hccservices.e-courts.gov.in/hccservices> (2) That the first Appellant/first Claimant be and hereby is



entitled to a sum of Rs.9,10,000/-, (Rupees Nine Lakhs and Ten Thousand only); the second claimant/2nd appellant is entitled to a sum of Rs.4,00,000/- (Rupees Four Lakhs only) and the third claimant/third appellant is entitled to a sum of Rs.4,00,000/- (Rupees Four Lakhs only) ;

(3) That the second respondent do deposit the enhanced award amount of Rs.17,10,000/- along with the rate of 7.5% p.a. from the date of petition till the date of deposit, less the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this Judgement.

(4) That on such deposit being made, the Tribunal do transfer the respective shares of the Appellants/Claimants directly to their Bank account through RTGS within a period of three weeks thereafter.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To
The Special Subordinate Judge,
Motor Accident Claims Tribunal, Tirunelveli.

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

+1 cc to M/s.T.Selvakumaran, Advocate in SR.102533
+1 cc to M/s.A.Shajahan, Advocate in SR 102495

ORDER DATED : 28/11/2019
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DECREE

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CMA(MD). No.351 of 2017

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred against the award of the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirunelveli in MCOP No.195 of 2015 dated 04.02.2016 and as stated therein etc.,