



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twentieth day of September Two Thousand and Nineteen

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PRESENT

The Hon'ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.413 of 2017

MARIAPPAN,
S/O. ARUMUGA KONAR,
NO.9/911, SRI NAGAR,
THALAYUTHU POST,
TIRUNELVELI TALUK

...Appellant/ Petitioner

Vs

1 ARUN RAM KUMAR
S/O.SOUNDARARAJAN, NO 79/14,
MARIAMMAL KOIL STRET,
SENDAMARAM, SANKARANKOVIL TALUK.

2 THE UNITED INDIA INSURANCE COMPANY LTD.,
THROUGH ITS DIVISIONAL MANAGER,
NO.1 POST OFFICE ROAD PALAYAMKOTTAI.

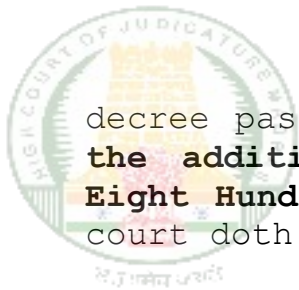
3 ARUMUGA NAINAR,
S/O.SANKARALINGA KONAR, NO 1/63,
NORTH VETTIYA PANTHI PARAICKULAM,
NOCHIKULAM, TIRUNELVELI 627 001

4 THE NEW INDIA ASSURANCE COMPANY LTD.,
THROUGH ITS BRANCH MANAGER
No. 182/22-L.S.N. HIGH ROAD,
TIRUNELVELI.

...Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree dated 04.08.2015 made in M.C.O.P.No.722 of 2013 on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Tirunelveli.

DECREE: This Appeal coming up for hearing on this day, Upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.T.Selvakumar, Advocate for the Appellant, Mr.S.Moorthy, Advocate or the 1st Respondent, Mr.B.Rajesh Saravanan, Advocate for the 2nd Respondent and of Mr.A.Ilango, Advocate for the 4th Respondent and the appeal having been allowed in part by modifying the award and



decree passed by the Tribunal below and the appellant having paid the additional court fee of Rs.7800/- (Rupees Seven Thousand and Eight Hundred Only) vide memo USR No.45270 dated 15.11.2019, this court doth order and decree as follows:

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1 That the compensation under the award and decree dated 04.08.2015 made in M.C.O.P.No.722 of 2013 on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Tirunelveli be and hereby is enhanced from Rs.12,01,000/- (Rupees Twelve Lakh and One Thousand Only) to Rs.24,81,000/- (Rupees Twenty Four Lakhs and Eighty One Thousand Only) with interest at the rate of 7.5% per annum from the date of filing the petition till date of depositing the amount;

2 That the Second Respondent herein/Insurance Company be and hereby is directed to deposit the enhanced award amount before the Tribunal, within a period of eight weeks from the date of receipt of copy of this judgment;

3 That on such deposit, the tribunal be and hereby is directed to transfer the compensation amount to the credit of the bank account of the appellant herein / claimant by way of RTGS;

4 That there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Motor Accident Claims Tribunal,
IV Additional District Judge, Tirunelveli

Copy to

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

+1 CC to Mr.T.SELVAKUMARAN, Advocate SR-88755

+1 CC to Mr.A.ILANGO, Advocate SR-88590



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CMA(MD). No.413 of 2017

ORDER DATED : 20/09/2019

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DECREE

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CMA (MD) . No.413 of 2017

Nature of Decree :Allowing in Part in Civil Miscellaneous Appeal against the Judgment and decree dated 04.08.2015 made in M.C.O.P.No.722 of 2013 on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Tirunelveli etc., as stated within.

VB(21.01.2020) 3P 6C