



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

Monday, the Eighteenth day of February Two Thousand and Nineteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

CMA(MD) Nos.738 of 2013 and 458 of 2018

NATIONAL INSURANCE CO.LTD.,
THROUGH ITS DIVISIONAL MANAGER,
DIVISIONAL OFFICE, NO.3, NORTH VELI STREET, MADURAI.
...Appellant/2nd respondent in C.M.A(MD)No.738 of 2013.

P.MURALI ...Appellant/Petitioner in C.M.A(MD)No.458 of 2018
Vs

1 P.MURALI ...1st respondent/Petitioner in C.M.A(MD)No.738 of 2018

2 SUBBULAKSHMI LAKSHMIPATHI FOUNDATION,
R.L.INSTITUTE OF MANAGEMENT STUDIES,
27, SRIRAM SATHIYASAI NAGAR,
MADURAI.
...2nd respondent/1st respondent in C.M.A(MD)No.738 of 2013

1 SUBBULAKSHMI LAKSHMIPATHI FOUNDATION,
R.L.INSTITUTE OF MANAGEMENT STUDIES,
27, SRIRAM SATHIYASAI NAGAR,
MADURAI.

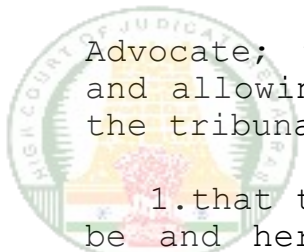
2 NATIONAL INSURANCE CO.LTD.,
THROUGH ITS DIVISIONAL MANAGER,
DIVISIONAL OFFICE, NO.3, NORTH VELI STREET, MADURAI.

....Respondents/Respondents in C.M.A(MD)No.458 of 2018
COMMON PRAYER:

These Civil Miscellaneous Appeals are filed under section 173 of the Motor Vehicles Act, 1988, against the award dated 20.01.2012 passed in M.C.O.P.No.743 of 2010, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Madurai.

DECREE:

These Civil Miscellaneous Appeals are coming on for hearing on this day; upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to these cases and upon hearing the arguments of Mr.N.Murugesan, Advocate for the Appellant in C.M.A(MD) No.738 of 2013 and 2nd respondent in C.M.A(MD)No.458 of 2018, Mr.A.Saravanan, Advocate for the Appellant in C.M.A(MD)No.458 of 2018 and for the 1st respondent in C.M.A(MD)No.738 of 2013 and the 2nd respondent in C.M.A(MD)No.738 of 2013 and 1st respondent in C.M.A(MD)No.458 of 2018 has not appeared either in person or through an



Advocate; this Court while dismissing the C.M.A(MD)No.738 of 2013 and allowing the C.M.A(MD)No.458 of 2018 and enhancing the award of the tribunal below, doth order and decree as follows:-

1.that the Appellant in C.M.A(MD)No.738 of 2013/Insurance Company be and hereby is directed to pay a sum of Rs.40,00,000/- (Rupees Forty Lakhs only) as total compensation to the 1st respondent in C.M.A(MD)No.738 of 2013/Claimant instead of Rs.8,43,000/- (Rupees Eight Lakhs and forty three thousand only) as awarded by the Tribunal below;

2.that the Appellant in C.M.A(MD)No.738 of 2013 /Insurance Company be and hereby is directed to deposit the modified amount of compensation along with interest at the rate of 7.5% from the date of the appeal and till the date of realisation, less the amount already deposited, if any, within period of eight weeks from the date of receipt of a copy of this judgment; and

3.that there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

TO
THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI.

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai. **(2 copies)**

+2CC to Mr.A.SARAVANAN , Advocate SR.No.47732.

+3CCs to Mr.N.MURUGESAN , Advocate SR.Nos.48415,47947,48417.

ORDER DATED :18/02/2019

DECREE

CMA(MD) Nos.738 of 2013 and 458 of 2018
Dismissing the C.M.A(MD)No.738 of 2013
and allowing in part the C.M.A(MD)No.458
of 2018 preferred against the award dated
20.01.2012 passed in M.C.O.P.No.743 of
2010, on the file of the Motor Accident
Claims Tribunal, Chief Judicial
Magistrate, Madurai and etc., as stated
within.