

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWETNY

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2641 of 2013

Madhu

.. Appellant/Petitioner

Vs.

1.L.Saravanan

2.The Branch Manager
The National Insurance Company Limited
Branch Office
88-F, Bye pass Road
Dharmapuri Town and District.

3.P.Kumaresan

4.The Branch Manager
United India Insurance Company Limited
Branch Office, No.11-A, M.C.Road
Ambur Town, Vaniyambadi Taluk
Vellore District.

.. Respondents/Respondents

Prayer: Appeal against the order and decree of the Motor Accident Claims Tribunal, Chief Judicial Magistrate's Court, Krishnagiri dated 07.10.2010 made in M.C.O.P.No.1192 of 2006.

Decree : This Appeal coming on for hearing on this day upon perusing the grounds of Appeal the order and decree of the Court below and material papers in the case and upon hearing the arguments of Mr.K.Prasanna for Mr.Mukund R.Pandiyan, Advocate for Appellant and of Mrs.R.Sreevidhya, Advocate for second respondent and of Mr.M.J.Vijayaraghavan, Advocate for the fourth respondent and first respondent not appeared either in person or by an advocate steps not having been taken to serve the third respondent this Court, while allowing the Civil Miscellaneous Appeal in part and in modification of the decree of the Court below, doth order and decree as follows:

i) that the order and decree of the Motor Accident Claims Tribunal, Chief Judicial Magistrate's Court, Krishnagiri made in M.C.O.P.No.1192 of 2006 dated 07.10.2010 be and hereby modified by enhancing the award of compensation from Rs.94,200/- to

Rs.1,34,700/- (Rupees One lakh thirty three thousand seven hundred only) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

ii) that the appellant herein/claimant is entitled to 7.5% of the compensation awarded by this Court is Rs.1,01,025/- (Rupees One lakh one thousand and twenty five only)

iii) that the Second Respondent herein/Insurance Company and third respondent herein be and hereby are directed to deposit Rs.50,412.50 (Rupees Fifty thousand four hundred and twelve and fifty paise only) each i.e., 50 : 50 of the award amount now determined by this Court (i.e., 50% of 75% of award amount) along with interest and costs, less the amount already deposited, if any, within a period of six (6) weeks from the date of receipt of a copy of this judgment.

(iv) that on such deposit being made the appellant/claimant in appeal is permitted to withdraw the award amount along with interest and costs, less the amount if any, already withdrawn.

v) that the appellant herein/claimant is not entitled for any interest for the delay period on the amount of Rs.30,375/- enhanced by this Court, as per the order of this Court dated 23.07.2013 made in M.P.No.1 of 2012 in CMASR No.86136 of 2012.

vi) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
The Chief Judicial Magistrate,
Krishnagiri.

+1cc to Mr.Mukund R.Pandiyan, Advocate SR.No.41126

DATED : 14.12.2020

DECREE :

C.M.A.No.2641 of 2013

Allowing the Civil Miscellaneous Appeal in part is preferred against the award and decree of the Motor Accident Claims Tribunal, Chief Judicial Magistrate's Court, Krishnagiri made in M.C.O.P.No.1192 of 2006 dated 07.10.2010 etc., as stated within.,

VBA(CO)
GMY(25/08/2021)