



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(CIVIL APPELLATE JURISDICTION)
THURSDAY, THIRD DAY OF FEBRUARY TWO THOUSAND TWENTY TWO
PRESENT

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CMA (MD) . NO. 67 OF 2020

WEB COPY

1.Chandrasekar
2.Sathya

...Appellants/Petitioners

Vs.

1.C.Pusshparaj

2.The New India Assurance Co.Ltd.,
Represented through its
Divisional Manager,
Having its Office at No.75E/3,
2nd Floor, Thillai Nagar,
Salai Road,
Trichy - 620 018.

...Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, to modify the award passed against the judgment and decree, dated 21.11.2019 in MCOP.No.63 of 2017 on the file of the Motor Accidents Claims Tribunal/Additional District Judge, Virudhunagar.

DECREE:-

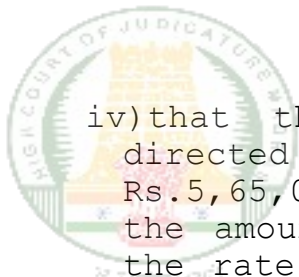
This Civil Miscellaneous Appeal having come up for final hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.P.Arun Jayatram, Advocate for the Appellants, Mr.B.Rajesh Saravanan, Advocate For Respondent No.2 and none appeared for Respondent No.1 either in person or through counsel, while partly allowing this Appeal this Court doth order and decree as follows:-

i)that the award amount granted by the judgment and decree, dated 21.11.2019 in MCOP.No.63 of 2017 on the file of the Motor Accidents Claims Tribunal/Additional District Judge, Virudhunagar, be and hereby is modified.

ii)That this Civil Miscellaneous Appeal is Partly Allowed.

iii)that the compensation awarded by the Tribunal be and hereby is enhanced to Rs.5,65,000/- (Rupees Five Lakhs sixty five thousand only) from Rs.3,15,000/- with interest at the rate of 7.5% per annum,

<https://hcservices.ecourts.gov.in/hcservices/>



iv)that the second respondent/New India Assurance Co.Ltd., is directed to deposit the enhanced compensation amount i.e., Rs.5,65,000/- (Rupees Five lakhs sixty five thousand only) less the amount already deposited, if any, together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.63 of 2017 on the file of the Motor Accident Claims Tribunal /Additional District Judge, Virudhunagar District, within a period of six weeks from the date of receipt of a copy of this order.

v)that On such deposit is being made, the claimants are permitted to withdraw the same after following due process of law.

vi)that the apportionment granted by the Tribunal shall be kept intact.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO
The Additional District Judge,
The Motor Accidents Claims Tribunal,
Virudhunagar.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)
+1 cc to M/s.D.Sakkaravarthi, Advocate, SR 4105

ORDER DATED : 03/02/2022

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Decree

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<u>C.M.A.(MD)No. 67 of 2020</u> partly Allowing CMA(MD).No.67 of 2020 filed to modify the award passed against the judgment and decree, dated 21.11.2019 in MCOP.No.63 of 2017 on the file of the Motor Accidents Claims Tribunal/Additional District Judge, Virudhunagar, etc., as stated therein.,
