



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the Twenty Seventh day of November Two Thousand Twenty

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PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMA(MD). No.391 of 2019

CMA(MD). No.391 of 2019

THE UNITED INDIA INSURANCE COMPANY LTD.

REP.BY ITS DIVISIONAL MANAGER

NO.7-A WEST VELI STREET

MADURAI DISTRICT.

... Appellant/2nd Respondent

Vs

1.P.RAVICHANDRAN

...1st Respondent /Petitioner

2 KAYAL VIZHI NURSERY AND PRIMARY SCHOOL,

THROUGH THE CORRESPONDENT,,

URANGANPATTI,

MELUR TALUK, MADURAI DISTRICT. ..2nd Respondent/1st Respondent

Prayer:-Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree of the Motor Accidents Claims Tribunal Special Subordinate Court Madurai dated 23.07.2018 made in M.C.O.P.No.422 of 2013.

CROS.OBJ(MD). 13 of 2019

1. P.Ravichandran

... Cross Appellant /1st Respondent

- Vs. -

1.The United India Insurance Company Ltd,

Rep. by its Divisional Manager,

No.7-A, West Veli Street,

Madurai, Madurai District

...1st Respondent/Appellant

2. Kayal Vizhi Nursery and Primary School

Through, the Correspondent,

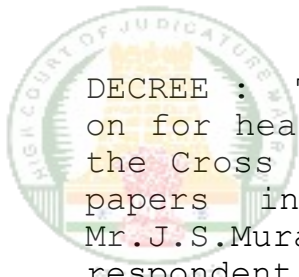
Urganpatti, Melur Tk,

Madurai District

... 2nd Respondent/2nd Respondent

Prayer in CROS.OBJ(MD). 13 of 2019 :

Cross Objection filed under Order 41 Rule 22 or Motor Vehicle Act to enhance the compensation amount in MCOP No.422 of 2013 in C.M.A.No.391 of 2019 on the file of the Motor Accident Claims Tribunal cum Special Subordinate Court, Madurai



DECREE : This Civil Miscellaneous Appeal and Cross Objection coming on for hearing on this day upon perusing the Grounds of Appeal and the Cross Objection, the award of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.J.S.Murali, Advocate for the Appellant in CMA and 1st respondent in Cross Objection and Mr.PR. Boomee Rajan, Advocate for the respondent in CMA and Cross Objectors in Cross Objection and of Mr.K.Kumaravel Advocate for the second respondent in both CMA and Cross Cross Objection and this Court Allowing the Cross Objection and the Civil Miscellaneous Appeal in part, and that the claimant already paid the additional court fee, this court doth order and decree as follows:

1. That, the award dated 23.07.2018 made in M.C.O.P No.422 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Madurai be and hereby is modified by enhancing the compensation amount from Rs 12,52,000/- (Rupees Twelve Lakhs Fifty Two Thousand only) to Rs.14,73,600/- (Rupees Fourteen Lakhs Seventy Three Thousand and Six Hundred only) with interest @ 7.5% per annum;

2. That, the Appellant/Insurance Company and the second respondent/Kayal Vizhi Nursery and Primary School herein be and hereby are liable to pay the enhanced compensation amount of Rs.14,73,600/., jointly and severally (Rs.12,52,000/ + Rs.2,21,600) with interest at 7.5% per annum within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any;

3. On such deposit, the claimant be and hereby are permitted to withdraw the entire award amount forthwith;

4. That there be and hereby no costs in these Appeal.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1. The Motor Accidents Claims Tribunal,
Special Subordinate Court,
Madurai.

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



+1cc to Mr.J.S.Murali,Advocate Sr.No.23388

+1cc to Mr.PR.Boomee Rajan ,Advocate Sr.No.23083

+1cc to Mr.K.Kumaravel ,Advocate Sr.No.23242

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ORDER DATED : 27/11/2020

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DECREE

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CMA(MD) . No.391 of 2019
and
CROS.OBJ(MD) . 13 of 2019

Nature of Decree:- Allowing the Civil Miscellaneous Appeal and Cross Objection in part preferred against the judgment and decree of the of the Motor Accidents Claims Tribunal Special Subordinate Court Madurai dated 23.07.2018 made in M.C.O.P.No.422 of 2013.

VB (09.03.2021) 3P 7C