



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HON'BLE Mr.JUSTICE D.KRISHNAKUMAR

Civil Miscellaneous Appeal No.2033 of 2012

G.Udhayakumar ... Claimant / Appellant

..Vs..

- 1.State Government of Tamilnadu,
Rep. by the Governor of Tamilnadu,
Raj Bhawan, Chennai.
- 2.The Superintendent of Police (Rural),
District Superintendent Office,
Shevvapet, Salem Town, Salem District.
- 3.K.Murugesan, PC No.452,
S/o Kuppusamy,
No.118/137, A.R.Lane,
Kumarasampatti, Salem-7. ..Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree dated 05.01.2011 made in M.C.O.P.No.149 of 2006 on the file of IInd Additional Subordinate Judge (Motor Accidents Claims Tribunal), Salem.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the order of the Lower court and the material papers in the case and upon hearing the arguments of Ms.T.Gayathri for Mr.C.Kulanthaivel, Advocate for the Appellant and of Mr.Y.T.Aravind Gosh Additional Government Pleader(CS), Advocate for the respondents 1 and 2, the Third Respondent Not appearing either in person or by an Advocate this Court while allowing this Civil Miscellaneous Appeal in part, doth order and decree as follows:

i)that the compensation awarded by the Tribunal be and hereby is enhanced/modified reduced from Rs.25,000/- (Rs.Twenty Five Thousand only) to Rs.1,80,398/- (Rupees one lakh eighty thousand three hundred and ninety eight only) along with interest at the rate of 7.5% p.a. from the date of claim petition till realization.



ii)that the second respondent herein be and hereby is directed to deposit the entire compensation amount Rs.1,80,398/- (Rupees one lakh eighty thousand three hundred and ninety eight only) within a period of 12 weeks from the date of receipt of copy of the judgment, to the credit of M.C.O.P.No.149 of 2006 on the file of II Additional Subordinate Judge (Motor Accidents Claims Tribunal), Salem.

iii)that on such deposit being made by the 2nd respondent, the claimant/appellant is permitted to withdraw the amount by filing appropriate application;

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

Sd/-

Deputy Registrar(Accounts)

//True Copy//

Sub Assistant Registrar

To

1. The II Additional Subordinate Judge (Motor Accidents Claims Tribunal), Salem.

2. The Superintendent of Police (Rural), District Superintendent Office,
Shevvapet, Salem Town, Salem District.

+1 cc to M/s.Royan and Associates, Advocate Sr.NO.21217

+1 cc to Government Pleader Sr.NO. 21281

DATED:30.03.2021

DECREE

CMA.No.2033 of 2012

Allowing the Civil Miscellaneous Appeal in part preferred against award and decree of the dated 05.01.2011 made in M.C.O.P.No.149 of 2006 on the file of II Additional Subordinate Judge (Motor Accidents Claims Tribunal), Salem etc as stated within.

A.SK(23.11.2021) .