



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Eleventh day of January Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CMA(MD)No.1764 of 2010

THE DIVISIONAL MANAGER,
NEW INDIA ASSURANCE COMPANY LIMITED,
242-B, KAMARAJAR SALAI,
MADURAI - 9.

... Appellant/2nd Respondent

/ VERSUS /

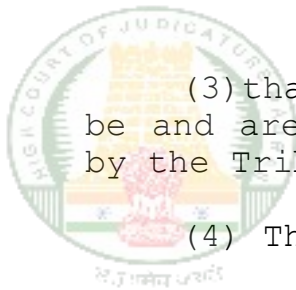
1 MASANAM ... 1st Respondent/Petitioner
2 V.R.MALLIKA ... 2nd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award and ex-order of the IV Additional Sub Judge, Motor Accident Claims Tribunal, Madurai, dated 02.08.2010 passed in MCOP No. 3101 of 2002.

DECREE:- This Civil Miscellaneous Appeal coming upon for hearing on Monday, the Twenty First day of December, Two Thousand and Twenty, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.B.VIJAYKARTHIKEYAN FOR MR.SANKAR, Advocate for the Appellant and of MR.R.RAJAMOHAN, Advocate for the 1st Respondent and the 2nd Respondent did not appeared either in person or by an Advocate and having stood over for consideration till this day, this Court while dismissing the Civil Miscellaneous Appeal doth order and decree as follows:-

(1) That, the award passed by the IV Additional Sub Judge, Motor Accident Claims Tribunal, Madurai, dated 02.08.2010 passed in MCOP No. 3101 of 2002 be and hereby is enhanced to Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) ;

(2) that, the award of the Tribunal below be and hereby is modified to the effect that both the Appellant and the 2nd Respondent/1st Respondent are jointly and severally liable to pay the compensation amount of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) with interest at the rate of 7.5 % from the date of application till the date of realization, less the amount already deposited, if any, within a period of two months from the date of receipt of a copy of this judgment;



(3) that on such deposit being made, the 1st Respondent/Claimant be and are hereby is permitted to withdraw the entire amount fixed by the Tribunal on making proper application and

(4) That there be no costs in this Civil Miscellaneous Appeal.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The IV Additional Sub Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
Madurai.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai - 2 Copies

+1 CC to MR.B.VIJAYA KARTHIKEYAN, Advocate (SR-989)

+1 CC to MR.R.RAJA MOHAN, Advocate (SR-872)

ORDER DATED : 11/01/2021

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DECREE
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CMA(MD)No.1764 of 2010

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the the award and ex-order of the IV Additional Sub Judge, Motor Accident Claims Tribunal, Madurai, dated 02.08.2010 made in MCOP No. 3101 of 2002 and etc.as stated within.