



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
(Civil Appellate Jurisdiction)

Monday, the Eleventh day of January Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CMA(MD).No.256 of 2010

The National Insurance Company Limited,  
Rep., by its Branch Manager,  
Branch Office at Nagercoil,  
Nagercoil Village,  
Agateeswaram Taluk, Kanniyakumari District.

... Appellant/3<sup>rd</sup> Respondent

Vs

1.S.Krishnan

2.K.Thangam

3.P.Sasi @ Antony Thasan

4.P.Murugan

...Respondents 1 & 2/Petitioners

...Respondents 3 & 4/Respondents 1 & 2

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Award and ex-order dated 06.02.2009 made in M.C.O.P.No.37 of 2007 on the file of the Motor Accidents Claims Tribunal, District Court, Kanniyakumari District @ Nagercoil.

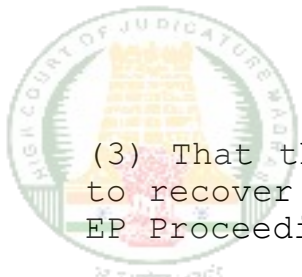
DECREE:-

This Civil Miscellaneous Appeal coming for hearing on this date, upon perusing the Grounds of Appeal, the Award of the Motor Accidents Claims Tribunal, District Court, Kanniyakumari District @ Nagercoil and the material records of this case and upon hearing the arguments of M/s.S.Srinivasa Ragavan, Advocate for the Appellant and of M/s.N.Dilip Kumar, Advocate for the 1<sup>st</sup> and 2<sup>nd</sup> Respondents and the Third and Fourth Respondents having not appeared either in person or by an Advocate this Court while Partly allowing the Appeal, doth order and decree as follows:-

(1) That the award of the Motor Accidents Claims Tribunal, District Court, Kanniyakumari District @ Nagercoil made in M.C.O.P.No.37 of 2007 be and hereby is enhanced from Rs.2,55,000/- (Rupees two lakhs and fifty five thousand only) to Rs.3,26,000/- (Rupees Three Lakhs and Twenty Six thousand only);

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the enhanced amount of Rs.3,26,000/- (Rupees three lakhs twenty six thousand only) together with interest at 7.5% as awarded by the Tribunal within a period of two months from the date of

<https://hosevireports.gov.in/hosevireports> of this order;



(3) That the Appellant/Insurance Company be and hereby is permitted to recover the award amount from the fourth respondent/owner through EP Proceedings;

(4) That the Claimants/Respondents 1 and 2 herein be and hereby are awarded equal share.

(5) That on such deposit being made, the Claimants/Respondents 1 and 2 herein shall withdraw the amount equally;

(6) That there be no costs in this Appeal.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To.

The Principal District Judge,  
Motor Accidents Claims Tribunal,  
Kanniyakumari District @ Nagercoil

Copy to:

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

+1 CC to M/s.S.Srinivasa Raghavan, Advocate (SR-879 dated 18/01/2021)

+1 CC to M/s.N.Dilip Kumar, Advocate (SR-1010 dated 18/01/2021)

ORDER DATED : 11/01/2021

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DECREE

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CMA(MD)No.256 of 2010

Nature of Decree:- Partly Allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree of the Motor Accident Claims Tribunal, District Court, Kanniyakumari District @ Nagercoil dated 06.02.2009 made in MCOP No.37 of 2007 and giving directions etc. stated therein.

es (CO)

TR(09.06.2021) 2P 6C

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