

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

Thursday the Eighth day of July Two Thousand and Twenty One

PRESENT

THE HONOURABLE MRS. JUSTICE R. THARANI

C.M.A.(MD) . No.529 of 2013

C. Saraswathi : Appellant/ Petitioner

A. Salomi (Died) : Appellant

Vs

1. M. Ravichandran

2. T. Pushpam

3. National Insurance Company Limited,
rep. by its Branch Manager, with Office
at P.B. No.112, North Car Street,
Nagercoil.

4. T. Prema : Respondents/ Respondents

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 27.10.2009 made in M.C.O.P. No.93 of 2004, on the file of the Motor Accident Claims Tribunal/ District Judge, Kanyakumari at Nagercoil.

DECREE:-This Civil Miscellaneous Appeal having come up for final hearing on this day upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers to the Appeal and upon hearing the arguments of Mr. T. Lajapthi Roy, Advocate for the Appellant and the first and second respondents are not having appeared either in person or through a Counsel, Mrs. P. Malini, Advocate for the third Respondent this court while allowing the Appeal in part and enhancing the award of the Tribunal; doth order and decree as follows:-

1. That the award dated 27.10.2009 made in M.C.O.P. No.93 of 2004, on the file of the Motor Accident Claims Tribunal/ District Judge, Kanyakumari at Nagercoil be and hereby is enhanced from Rs. 3,25,000/- (Rupees Three lakhs and Twenty five thousand only) to Rs.7,00,000/- (Rupees seven lakhs only);

2. That the Respondents 1 to 3 herein be and hereby are directed to deposit Rs.7,00,000/- (Rupees seven lakhs only) with 7.5% interest for Rs. 3,25,000/- (Rupees Three lakhs and Twenty five thousand only) from the date of filing of original claim petition and with interest at the rate of 7.5% for **(*)Rs. 3,75,000/- (Rupees Three lakhs and seventy five thousand only)** from the date of Appeal **(*)i.e 14/03/2013** till the date of realization and the amount if not deposited earlier, has to be deposited within a period of eight weeks from the date of receipt of a copy of this order;

3. That on such deposit being made, the first appellant herein be and herein entitled to a sum of Rs. 5,25,000/- (Rupees Five lakhs and Twenty five thousand only) and the fourth respondent herein be and hereby is entitled to a sum of Rs. 1,75,000/- (Rupees one lakhs and seventy five thousand only) as compensation;

4. That the Appellant and the 4th respondent herein be and hereby are permitted to withdraw their respective shares with proportionate interest after deducting any amount received by them earlier without filing any formal petition before the Tribunal;

5. That the excess amount, if any deposited shall be refunded to the Respondents 1 to 3 herein;

6. That the claimants are not entitled for the interest for the default period, if there is any; and

7. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS II)

(*)Corrected as per order of this Court dated 17/06/2022 made in CMA(MD) 529 of 2013

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

To

(*)To be Substituted to the order which already despatched on 23.08.2021

1.The Motor Accidents Claims Tribunal, District Judge,
Kanyakumari, Nagercoil.

Copy to

1.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1 CC to M/s.P.MALINI, Advocate (SR-21680[F] dated 08/07/2021)

ORDER DATED 08.07.2021

DECREE

C.M.A. (MD) No.529 of 2013

Allowing the Civil Miscellaneous Appeal in part filed against the award dated 27.10.2009 made in M.C.O.P. No.93 of 2004, on the file of the Motor Accident Claims Tribunal/ District Judge, Kanyakumari at Nagercoil etc., as stated within.

CN(17.08.2021) 2P 5C

MGJ(24.06.2022) 3P 5C