



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.848 of 2013

SUBRAMANIAN ... Claimant/Appellant

Vs

1 KARUPPASAMY

2 BRANCH MANAGER
NATIONAL INSURANCE COMPANY LTD SRI RAM SITE
OFFICE NO.2-A PRAKASAM ROAD T.NAGAR
CHENNAI

3 MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION LTD
BYEPASS ROAD MADURAI

... Respondents/Respondents

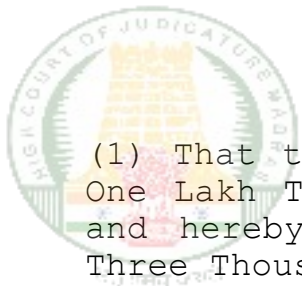
(1st Respondent remained exparte before the Tribunal)

Prayer :-

This Civil Miscellaneous appeal is filed under Section 173 of Motor Vehicles Act 1988 , to set aside the judgement and decree made in M.C.O.P.No. 122 of 2005 dt.13.06.2007 on the file of the Motor Accidents claims Tribunal , (Chief Judicial Magistrate Court), Tirunelveli.

Decree:-

This Civil Miscellaneous Appeal having come up for final hearing on Tuesday, the Fifth day of October , Two Thousand Twenty One and upon perusing the Memorandum of grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments Mr.R.Krishnan, Advocate for Appellants, Mr.S.Royce Emmanuel, Advocate for 3rd respondent and Mr.A.Ilango, Advocate for 2nd respondent, and having stood over for consideration till this date, this Court while allowing this Appeal in-part, doth order and decree as follows:-



(1) That the amount of the Tribunal ,a sum of Rs.1,25,167/- (Rupees One Lakh TwentyFive Thousand one Hundred and sixtyseven only) is be and hereby enhanced to Rs.4,43,000/- (Rupees Four Lakhs and Forty Three Thousand only)

(2) That the appellant be and hereby is entitled to a sum of Rs.4,43,000/- (Rupees Four Lakhs and Forty Three Thousand only) as compensation with interest at the rate of 7.5 % from the date of claim petition till the date of realization.

(3) That the second respondent be and hereby is directed to deposit Rs.4,43,000/- (Rupees Four Lakhs and Forty Three Thousand only) with 7.5 % interest from date of the claim petition till the date of realization with cost and the amount has to be deposited with in a period of 8 weeks from the date of receipt of a copy of this Order .

(4) That on such deposit ,the appellant be and hereby is permitted to withdraw the award amount with interest after deducting any amount received by him earlier.

(5) That the claimant be and hereby is not entitled for interest for the default Period ,if there is any and

(6) That there be no cost in this Civil Miscellaneous Appeal

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TO

The Chief Judicial Magistrate,
Motor Accidents claims Tribunal ,
Tirunelveli.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.R. KRISHNAN, Advocate (SR-34669 dated 16/11/2021)

+1 CC to M/s.A. ILANGO, Advocate (SR-34720 dated 17/11/2021)



WEB COPY

ORDER DATED : 16/11/2021

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DECREE

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CMA(MD). No.848 of 2013

Allowing the CMA(MD). No.848
of 2013 in part preferred against
the judgment and decree made in
M.C.O.P.No. 122 of 2005
dt.13.06.2007 on the
file of the Motor Accidents
claims Tribunal , (Chief
Judicial Magistrate,),
Tirunelveli. etc. as stated
within.

MGJ(28.12.2021) 3P 6C