



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Fourth day of March Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMA(MD). No.295 of 2019

Akilan Martin

... Appellant

Vs

1 C.Murugesan

2 The Branch Manager, M/S.TATA AIG General Insurance Co.Ltd.,
No.4&5, North Block, AA Towers, III-rd Floor,
Bye Pass Road, Madurai District.

(1ST RESPONDENT REMAINED EXPARTE BEFORE THE TRIBUNAL.

HENCE NOTICE TO THE 1ST RESPONDENT MAY BE DISPENSED WITH)

...Respondents

PRAYER:-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount dated 26.02.2019 made in M.C.O.P.No.715 of 2015 on the file of the Motor Accident Claims Tribunal/Special Sub Judge, Madurai.

...Respondents/Respondents

DECREE:-

Civil Miscellaneous Appeal having come up for final hearing on this day upon perusing the grounds of Appeals, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.K.Kumaravel, Advocate for the Appellant and of Mr.B.Vijaya Karthikeyan, Advocate for the 2nd Respondent and this Court while Allowing the Appeal in Part and modifying the award passed by the Tribunal below, doth order and decree as follows:

1 That the award dated 26.02.2019 made in M.C.O.P No.715 of 2013 on the file of the Motor Accident Claims Tribunal/Special Sub Judge, Madurai be and hereby is enhanced from Rs.89,000/- (Rupees Eigthy Nine Thousand only) to Rs.1,29,000/- (Rupees One Lakh and Twenty Nine Thousand only);

2 That the appellant be and hereby is entitled to modified compensation of Rs.1,29,000/- with interest @ 7.5% p.a., from the date of petition till the date of deposit;

3 That the 2nd respondent herein / Insurance Company be and hereby is directed to deposit the above modified award amount with accrued interest and costs, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of



4 On such deposit, the appellant herein / claimant is permitted to withdraw same without filing formal permission petition before the Tribunal;

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

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// True Copy //

Sd/-

Assistant Registrar (CS II)

/ /2021

Sub Assistant Registrar(CS)

To

1 The Motor Accident Claims Tribunal/Special Sub Judge,
Madurai.

2 The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai (+2copies)

+1cc to Mr.K.Kumaravel, Advocate SR No.9336

+1cc to Mr.B.Vijayakarthykeyan, Advocate SR No.8788

ORDER DATED : 04/03/2021

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DECREE

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CMA(MD). No.295 of 2019

Nature of Decree :

Allowing in Part in Civil Miscellaneous Appeal to enhance the compensation amount dated 26.02.2019 made in M.C.O.P.No.715 of 2015 on the file of the Motor Accident Claims Tribunal/Special Sub Judge, Madurai etc., as stated within.

MGJ(30.07.2021) 2P 6C