



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD) . No.416 of 2019

M.SARASU,

... Appellant/Claimant

Vs

1) PANDIDURAI,

2) THE BRANCH MANAGER,
THE NATIONAL INSURANCE CO. LTD,
NO.5, 1ST FLOOR, COLLEGE ROAD, KARAISKUDI,
SIVAGANGAI DISTRICT.

3) T.MAHESWARI,

4) DURAIARASAN,

5) ANBUSARAVANAN,

6) RAJATHI,

... Respondents/Respondents

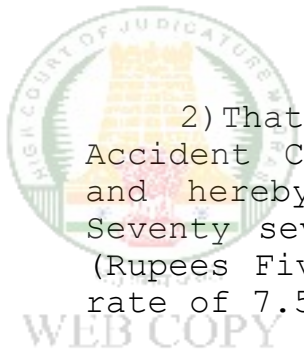
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal/Additional District Court, Pudukottai dated 20.02.2019 made in M.C.O.P. No.769 of 2017.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of N.KAMESH, Advocate for the Appellant and of MRS.P.MALINI, Advocate for 2nd Respondent, MR.D.GNANASEKARN, Advocate for 3rd to 6th Respondents, this Court while allowing the appeal in part with modification of the award of Tribunal below, doth order and decree as follows:-

1) That the award dated 20.02.2019 passed in M.C.O.P. No.769 of 2017, on the file of the Motor Accident Claims Tribunal/Additional District Court, Pudukottai, be and hereby is modified ;



2) That the quantum of compensation awarded by the Motor Accident Claims Tribunal/Additional District Court, Pudukottai be and hereby is enhanced from Rs.3,77,770/- (Rupees Three Lakhs Seventy seven Thousand Seven hundred and seventy) to Rs.5,04,640/- (Rupees Five Lakhs four thousand six Hundred and Forty only) at the rate of 7.5% per annum;

3) that the Appellant and respondents 3 to 5 be and are hereby directed to pay the court fee for the enhanced compensation, if any;

4) That the Second respondent, National Insurance Company Limited be and hereby is directed to deposit the enhanced compensation amount i.e., Rs. 5,04,640/- (less the amount already deposited), if any, together with interest at the reate of 7.5% per annum from the date of claim petition till the date of deposit to the creadit of M.C.O.P.No.769 of 2017 on the file of the Motor Accident Claims Tribunal/Additional District Court, Pudukottai within a period of six weeks from the date of receipt of a copy of this order;

5) On such deposit being made, that the appellant and respondents 3 to 5 shall withdraw the same in the following apportionment after following due process of law;

6) That the Appellant be and hereby is entitled to 50% share of the total compensation awarded by this Court and the remaining 50% of the compensation shall be shared by the respondents 3 to 5 equally;

7) And that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal/Additional District Court,
Pudukottai

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

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



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+1 CC to M/s.P. MALINI, Advocate (SR-34182 dated 11/11/2021)

+1 CC to M/s.D.GNANASEKARAN, Advocate (SR-34156 dated 11/11/2021)

ORDER DATED : 09/11/2021

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DECREE

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CMA(MD). No.416 of 2019

Nature of Decree:- Partly allowing this the Civil Miscellaneous Appeal preferred against the judgment and decree of the the Motor Accident Claims Tribunal/ Additional District Court, Pudukottai dated 20.02.2019 made in M.C.O.P. No.769 of 2017 etc., as stated within.

RK(04/03/2022) 3P 6C