



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

**Wednesday, the Twenty Fourth day of November Two Thousand Twenty One
PRESENT**

**THE HON`BLE MRS.JUSTICE R.THARANI
CMA(MD) . No.1079 of 2014**

WEB COPY

NELLAIYAPPAN

... Appellant/Claimant

Vs

**1.THE PENTECOSTAL MISSION
NEAR WILLIAM HOSPITAL,
KRISHNANKOIL,
NAGERCOIL-629 001,
K.K.DIST.**

**2.THE BRANCH MANAGER,
M/S.UNITED INDIA INSURANCE CO.LTD.,
XAVIER BUILDING 2ND FLOOR,
PWD ROAD, NAGERCOIL 629 001,
K.K.DIST.**

... 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 Chief Judicial Magistrate Tirunelveli dated 25.08.2014 made in M.C.O.P.No.107 of 2013.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Monday the Sixth day of September Two Thousand and Twenty One and upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.V.SASIKUMAR, Advocate for the Appellant and of Mr.N.MURUGESAN, Advocate for the second respondent and the first respondent not appeared either in person or through his counsel and having stood over consideration till this day by this Court, while allowing the appeal in part, doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tirunelveli dated 25.08.2014 made in M.C.O.P.No.107 of 2013 be and hereby is modified by enhancing the Compensation from Rs.5,71,206/- to Rs.7,67,500, (Rupees Seven Lakhs Sixty Seven Thousand and Five Hundred Only).

(2) That the Second Respondent/Insurance Company be and hereby is directed to deposit the enhanced compensation award amount of Rs..7,67,500, (Rupees Seven Lakhs Sixty Seven Thousand and Five Hundred Only) along with 7.5% interest from date of the claim



petition till the date of deposit and cost, within a period of Eight weeks from the date of receipt of copy of this Judgment.

(3) That on such deposit being made, the Appellant/Claimant be and are hereby permitted to withdraw the entire award amount with interest, after deducting any amount received by him earlier.

(4) That the Claimant is not entitled for interest for the default period, if there is any default.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Chief Judicial Magistrate,
MOTOR ACCIDENT CLAIMS TRIBUNAL, Tirunelveli.

Copy to:

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

+1 CC to M/s.N. MURUGESAN, Advocate (SR-35814 dated 25/11/2021)
+1 CC to M/s.V. SASIKUMAR, Advocate (SR-35821 dated 25/11/2021)

ORDER DATED : 24/11/2021

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DECREE

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CMA(MD). No.1079 of 2014

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the Motor Accident Claims Tribunal Chief Judicial Magistrate Tirunelveli dated 25.08.2014 made in M.C.O.P.No.107 of 2013.

KM(CO)

GC(21.12.2021) 2P 6C

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