



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(CIVIL APPELLATE JURISDICTION)
THURSDAY, THE SECOND DAY OF DECEMBER TWO THOUSAND TWENTY ONE
PRESENT**

**THE HON`BLE MRS.JUSTICE S.ANANTHI
C.M.A. (MD) .NOS.1304 OF 2014**

1.Vadivel
2.Minor Priyadharshini ...Appellants/Claimants

[2nd claimant through her
father and guardian]

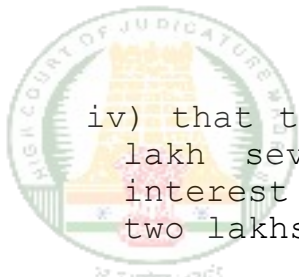
Vs.

1.Rajamanickam
2.The Branch Manager,
National Insurance Company Limited,
63, West Pradhaskam Road,
Karur Town,
Karur District. ...Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award dated 05.07.2013 made in M.C.O.P.No.201 of 2012 on the file of the learned Motor Accident Claims Tribunal, Subordinate Judge, Vedsanthur, and praying to set aside the same in so far as it is against the interest of the appellants/claimants and enhance the compensation.

DECREE: This Civil Miscellaneous Appeal having come up for final hearing on Tuesday, the sixteenth day of November two thousand twenty one, 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.A.Hariharan, Advocate for the Appellants and Mr.J.S.Murali, Advocate for the 2nd Respondent, none appeared for 1st respondent either in person or through Counsel, this Court while partly allowing this Appeal and doth order and decree as follows:-

- i) That the claim is enhanced to Rs.7,41,320/- (Rupees seven lakhs fourty one thousand three hundred and twenty only) from Rs.5,39,000/-.
- ii) That the 2nd respondent/insurance company is liable to pay 50% of Rs.7,41,320/-.
- iii) that the insurance company is directed to deposit the enhanced amount within a period of four weeks from the date of receipt of copy of the order.



iv) that the 1st claimant is entitled for Rs.1,70,660/- (Rupees one lakh seventy thousand six hundred and sixty only) with 7.5% interest and the 2nd claimant is entitled to Rs.2,00,000/- (Rupees two lakhs) with 7.5% interest.

v)that the award amount of the minor claimant is to be deposited in anyone of the nationalised bank till she attains majority.

vi)that in other aspects, the award passed by the tribunal is confirmed.

vii)that the insurance company is directed to deposit the enhanced award amount within a period of four weeks.

viii)that if any excess amount deposited, the appellant/insurance company is permitted to withdraw the excess award amount.

ix)that on such depositing the award amount, the claimant is entitled to withdraw the award amount.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
The Motor Accident Claims Tribunal
Vedasanthur.

COPY TO:-

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

+1 CC to M/s.J.S.MURALI, Advocate (SR-37001[F] dated 02/12/2021)

+1 CC to M/s.A.HARIHARAN, Advocate (SR-36921[F] dated 02/12/2021)



WEB COPY

C.M.A.(MD).No.1304 of 2014

ORDER DATED : 02/12/2021

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Decree

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CMA (MD) . Nos. 1304 of 2014

partly Allowing the C.M.A.(MD) No.1304 of 2014 filed against the award and decree made in M.C.O.P.No.201 of 2012 on the file of the learned Motor Accident Claims Tribunal, Subordinate Judge, Vedasanthur dated 05.07.2013, etc., as stated therein.,

SS (CO)

GC (24.02.2022) 3P 6C