



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Nineteenth day of November Two Thousand Twenty One

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CMA(MD).No.237 of 2014

Dakshinamoorthy

... Appellant/ Claimant

Vs

1.M.Prabhu

2.The New India Assurance Company Ltd.,
Thanjavur, Rep by its
Divisional Manager

... Respondents/Respondents

Prayer:-

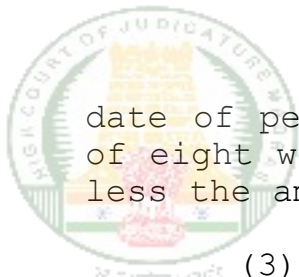
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the fair and decreetal order, dated 05.08.2013, passed in M.C.O.P No.143 of 2012 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Thanjavur at Kumbakonam.

DECREE:-

This civil Miscellaneous appeal having come up for final hearing on Friday the Twentyninth day of October 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.V. Achuthan, Advocate for the Appellant and of Mr.M.S.Suresh Kumar, Advocate for the second Respondent and first Respondent has not appeared either in person or by an Advocate and having stood over for consideration till this day, and this Court, while Allowing this Appeal in part, doth order and decree as follows:-

(1) that the award passed by the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Thanjavur at Kumbakonam dated 05.08.2013 made in MCOP.NO.143 of 2012 be and hereby is enhanced from Rs.44,000/- to Rs.77,000/(Rupees Seventy Seven Thousand Only).

(2)that the Second Respondent herein/Insurance Company be and hereby is directed to deposit Rs.77,000/(Rupees Seventy Seven Thousand Only) along with interest at the rate of 7.5% p.a from the



date of petition till the date of deposit and cost within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited,

(3)that, on such deposit being made, the Appellant herein/Claimant be and hereby is permitted to withdraw the entire award amount, after deducting amount, if any, already received by the Appellant herein /Claimant,

(4)that the Appellant herein/Claimant be and hereby 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-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal
cum Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

Copy to:

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

+1 CC to Mr.K.M.Karunakaran,Advocate (SR-35514 dated
23/11/2021)



WEB COPY

CMA(MD).No.237 of 2014

ORDER DATED : 19/11/2021

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DECREE

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CMA (MD) .No.237 of 2014

While Allowing this Appeal in part and modifying the award passed by the tribunal below as against the fair and decreetal order, dated 05.08.2013, passed in M.C.O.P No.143 of 2012 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Thanjavur at Kumbakonam., etc.,as stated therein.

TSK (CO)
TR (08.12.2021) 3P 5C