



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Tuesday, the Thirty First day of August Two Thousand Twenty One
PRESENT
The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.270 of 2014

WEB COPY

M. CHANDRAN,

... Appellant/Petitioner

Vs

1)SULUVAI ANTONY,

2)THE BRANCH MANAGER,

IFFCO TOKIO GENERAL INSURANCE CO.LTD., NO.28,,
NORTH USMAN ROAD, T.NAGAR,
CHENNAI-17.

... Respondents/Respondents

Prayer:-

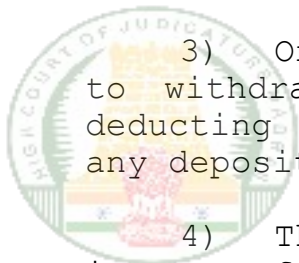
This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 05.07.2012 passed in M.C.O.P.No.278 of 2011, on the file of the Motor Accidents Claims Tribunal/(Chief Judicial Magistrate), Tirunelveli.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing on Wednesday, the Eleventh Day of August Two thousand and Twentyone, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of T.Selvakumaran, Advocate for the Appellant and of Mr.V,Sakthivel, Advocate for the 2nd respondent, and 1st respondent not appeared either in person nor by an Advocate, and having stood over for consideration till this day, while partly allowing this appeal, this Court doth order and decree as follows:-

1)That the award dated 05.07.2012 passed in M.C.O.P.No.278 of 2011, on the file of the Motor Accidents Claims Tribunal/(Chief Judicial Magistrate), Tirunelveli, be and hereby is modified the quantum of compensation and hereby is enhanced from (Rs.2,31,535/- (Rupees Two Lakhs Thirty one thousand and five hundred and thirty five only) to Rs.3,15,000/- (Rupees Three lakhs fifteen thousand only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization;

2) That the 2nd respondent herein/Insurance Company shall deposit Rs.3,15,000/- (Rupees Three lakhs fifteen thousand only) with 7.5% interest from date of the claim petition till the date of realization and the amount if not deposited earlier, has to be deposited within a period of 8 weeks from the date of receipt of copy of this order;



3) On such deposit, the claimant be and hereby is permitted to withdraw the award amount with proportionate interest after deducting any amount received by him earlier. Excess amount, if any deposited shall be refunded to the second respondent;

4) That the claimant be and hereby is not entitled for interest for the default period, if there is any;

5) That there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal/(Chief Judicial Magistrate),
Tiruneveli.

Copy to:

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

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-27943 dated 02/09/2021)
+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-27698 dated 31/08/2021)

ORDER DATED : 31/08/2021

=====
DECREE
=====

CMA(MD) . No.270 of 2014

Nature of Decree:- Partly
allowing the Civil Miscellaneous
Appeal preferred against the
judgment and decree dated
05.07.2012 passed in
M.C.O.P.No.278 of 2011, on
the file of the Motor
Accidents Claims Tribunal/
(Chief Judicial
Magistrate), Tiruneveli.