



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Wednesday, the Sixth day of October Two Thousand Twenty One
PRESENT
The Hon`ble Mrs.Justice R.THARANI
CMA(MD) . No.330 of 2014

WEB COPY

VELLAIYAN @ VELLAIAPPAN
S/O. RAMIAH, MELA STREET, PANIKONDANVIDUTHI
VILLAGE THANJAVUR DISTRICT.

... Appellant/Claimant

Vs

1 CHITRA
W/O. PERUMAL KAVALIPATTI VILLAGE
THIRUVONAM ORATHANADU TALUK THANJAVUR
DISTRICT.

2 THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED
KUMBAKONAM.

... Respondents/Respondents

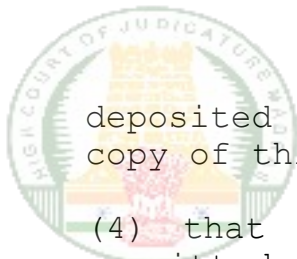
Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, for enhancement of Compensation and for fixing liability on the part of the 2nd Respondent against the Judgment and Decreetal order made in MCOP NO.201 of 2008 dated 17.02.2010, on the file of the Motor Accident Claims Tribunal (Sub Court), Pattukottai.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on Friday third day of September, Two Thousand and 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.S.Deenadhayalan, Advocate for the Appellant and of Mr.C.Jawahar Ravindran, Advocate for the 2nd Respondent and of None appearance for 1st Respondent either by person or through Counsel and having stood over for consideration till this date this Court, while modifying the award of the Tribunal and partly allowing this appeal doth order and decree as follows:-

(1) that the award amount is enhanced from Rs.93,100/- to Rs.1,28,000/- (Rupees One Lakh and Twenty Eight Thousand only).

(2) that the appellant/Claimant be and hereby is entitled to a sum of Rs.1,28,000/- (Rupees One Lakh and Twenty Eight Thousand only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of realization.

(3) that the second respondent/insurance Company be and hereby is
<https://hcservicescourts.gov.in/hcservices> sit Rs.1,28,000/- (Rupees One Lakh and Twenty Eight Thousand only) with 7.5% interest from date of the claim petition till the date of realization with cost and the amount has to be



deposited within a period of 8 weeks from the date of receipt of copy of this order.

(4) that on such deposit being made, the appellant/Claimant is permitted to withdraw the award amount with interest after deducting any amount received by him earlier. The second respondent/Insurance company can recover the amount from the first respondent.

(5) that the Appelant/claimant be and hererby is not entitled for interest for the default period, if there is any.

(6) that the appellant/Claimant be and hereby is directed to pay additional Court fee for the enhanced award amount, if any.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Sub Judge,
Motor Accidents Claims Tribunal,
Pattukkottai.

Copy to:

The Record Keeper,V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-31636 dated 07/10/2021)

ORDER DATED : 06/10/2021

=====

DECREE

=====

CMA(MD). No.330 of 2014

**Partly allowing the Civil
Miscellaneous appel preferred
against judgment and decree of the
Motor Accidents Claims Tribunal, Sub
Judge, Pattukottai dated 17.02.2010
made in M.C.O.P. NO.201 of 2008 ,
etc, as stated therein.**