



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Second day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.40 of 2014

MATHIVANAN, ... Petitioner/Appellant/Accused

Vs

1 D.M. VENGATESAN,
S/O. MAYANDI NO.2 VELMURUGAN TRANSPORT
8TH STREET MELA PONAGARAM MADURAI-16.

2 THE MANAGER,
M/S. CHOLAMANDALAM GENERAL INSURANCE CO.LTD.
DARE HOUSE 2ND FLOOR NSC BOSE ROAD
CHENNAI.

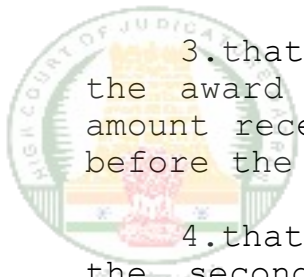
... Respondent/Respondent/Complainant

Prayer :-Appeal filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award dated 25.08.2012, made in MCOP No. 05 of 2012. on the file of Motor Accident Claims Tribunal, Sub Court, Paramakudi.

DECREE:-This Civil Miscellaneous Appeal coming up for hearing on Thursday, the twenty Second day of July Two thousand and Twenty One, upon perusing the Grounds of Appeal, the award of the Tribunal below and the material papers to the appeal and upon hearing the arguments of MR.D.SENTHIL, Advocate for the Appellant and of MR.S.SRINIVASA RAGHAVAN Advocate for the 2nd respondent, and having stood over for consideration till this date this court while allowing the Appeal in part, doth order and decree as follows:-

1.That the appellant is entitled to a sum of Rs.2,07,00/- (Rupees Two Lakhs and Seven 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 second respondent be and hereby is directed to deposit Rs.2,07,000/- (Rupees Two Lakhs and Seven Thousand Only) with 7.5 % interest from the 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 eight weeks from the date of receipt of copy of this order.



3.that on such deposit, the appellant is permitted to withdraw the award amount with proportionate interest after deducting any amount received by this earlier, without filing any formal petition before the Tribunal.

4.that the excess amount, if any deposited shall be refunded to the second respondent, and the appellant is not entitled for interest for the default period,

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 Accidents Claims Tribunal, Sub judge,
Paramakudi.

Copy to

The Records Keeper, V.R.Section (2C)
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.D.SENTHIL, Advocate (SR-25106 dated 03/08/2021)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-25262 dated
04/08/2021)

ORDER DATED : 02/08/2014

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DECREE

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CMA(MD). No.40 of 2014

Nature of Decree:- Allowing
the appeal in part preferred against
the award of the motor Accident
Claims Tribunal, sub Court,
Paramakudi. Dated 25.08.2012 made in
MCOP No. 05 of 2012

KB(16.08.2021) 2P 6C