



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
THURSDAY, THE ELEVENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY ONE
PRESENT
THE HON`BLE MRS.JUSTICE R.THARANI
CMA(MD) NO.533 OF 2014

KANAGAMMAL
W/O. VENKATACHALAPATHY,
SIVAN KOIL NORTH CAR STREET,
PALAYAMKOTTAI.

... APPELLANT

Vs

1 SHREE VEDIKA

2 THE BRANCH MANAGER
THE ORIENTAL INSURANCE COMPANY LIMITED,
NO.1548, TENKASI ROAD, RAJAPALAYAM - 626 117.

3 SENGOTTUVEL

4 THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LIMITED, NO.74-A,
PARAMATHY ROAD, NAMAKKAL - 637 001. ... RESPONDENTS

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award amount in M.C.O.P.No.351 of 2012 on the file of the Motor Accident Claims Tribunal, (Chief Judicial Magistrate Court), Tirunelveli dated 20.12.2013.

DECREE: This Civil Miscellaneous Appeal having come up for final hearing on the fifth day of October 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. T.SELVAKUMARAN, ADVOCATE For the Appellant and MR.C.KARTHIK, Advocate for the 2nd Respondent MR.D.SIVARAMAN, Advocate for the 4th Respondent **(*)and the Appellant having paid the sufficient Court fee for the enhanced amount** this court having stood over for consideration till this date, while partly allowing this appeal, doth order and decree as follows:

1. That the second respondent / Insurance company be and hereby is directed to deposit Rs.,3,14,000/- (Rupees Three lakhs fourteen Thousand only) with the interest at the rate of 7.5% from the date of claim petition till the date of realization with cost and the amount if not deposited earlier **(*)shall** be deposited within a period of 8 weeks from the date of receipt of copy of this decree.

2. That on such deposit being made, the appellant shall withdraw the award amount with interest after deducting any amount received by the appellant herein earlier;



3. that the claimant/appellant herein is not entitled for interest for the default period, if there is any; and

4. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

(*) Amended

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

**(*)To be Substituted the order already despatched
on 07.02.2022**

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUNELVELI.

COPY TO:

1.THE SUB ASSISTANT REGISTRAR(AE)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE SECTION OFFICER,
V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI. (2 COPIES)

1CC TO M/S.T.SELVAKUMARAN, ADVOCATE 34353

1CC TO MR.D.SIVARAMAN,ADVOCATE SR 34393

ORDER DATE:11/11/2021

=====

D E C R E E

=====

CMA (MD) No.533 OF 2014

NATURE OF DECREE: Partly allowing the Civil Miscellaneous Appeal preferred against to set aside the award and decree made M.C.O.P.No.351 of 2012 on the file of the Motor Accident Claims Tribunal, (Chief Judicial Magistrate Court), Tirunelveli dated 20.12.2013 etc, as stated within.

RK 02/02/2022 2P/7C

sr (CO)

MGJ(13.04.2022) 2P 7C

<https://hcservices.ecourts.gov.in/hcservices/>