



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1009 of 2017

K.GOVINDAN

... Appellant/Petitioner

Vs

1 ANANDAN (DIED)

2 The Branch Manager,
National Insurance Company Limited,
SN High Road,
Tirunelveli.

3 BUVANESHWARI

4 BANUMATHI

5 SHARMILA

(R.3 to R.5 are brought on record as LR's of deceased R.1 vide court order dated 10.07.2017, made in CMP(MD).No.5255 of 2016)

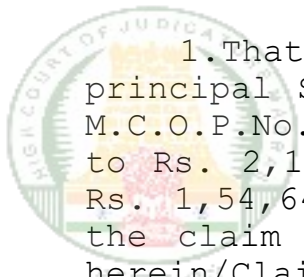
... Respondents/Respondents

Prayer :-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the award in M.C.O.P.No. 60 of 2011, dated 14/09/2012 passed by the Motor Accident Claims Tribunal (Principal Subordinate judge), Tenkasi, Tirunelveli district.

DECREE:

This Civil Miscellaneous appeal having come up for hearing on Saturday the Seventeenth day of April 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.A.Haja Mohideen, Advocate for the Appellant and mr.D.Rajkumar, Advocate for the 2nd Respondent and Respondents 3 to 5 are did not appeared either in person or by an Advocate and this court while Allowing this Appeal in part and Modifying the award passed by the tribunal below, and having stood over for consideration till this day, doth order and decree as follows:-



1. That the award passed by the motor Accident Claims Tribunal, principal Subordinate judge, Tenkasi, Tirunelveli District, made in M.C.O.P.No. 60 of 2011, dated 14/09/2012 be and hereby is enhanced to Rs. 2,15,000/- (Rupees Two Lakhs and Fifteen Thousand Only) from Rs. 1,54,647/- with interest at the rate of 7.5% from the date of the claim petition till the date of realization to the appellant herein/Claimant.

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2. that the Second Respondent herein/Insurance Company be and hereby is at liberty to recover the same from the properties of the deceased owner of the vehicle.

3. that the Second Respondent herein/Insurance Company, if not deposited the award amount so far, has to deposit the same within a period of 8 weeks from the date of receipt of copy of this judgment.

4. that on such deposit being made, the appellant herein/Claimant be and hereby is permitted to withdraw the award amount with proportionate interest after deducting any amount received by Appellant herein/Claimant earlier.

5. that excess amount, if any deposited shall be refunded to the Second Respondent herein/Insurance Company.

6. that the appellant herein/Claimant be and hereby is not entitled for interest for the default period, if there is 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 Motor Accident Claims Tribunal
Principal Subordinate Judge,
Tenkasi, Tirunelveli District.

Copy to

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

+1 CC to M/s.D.RAJKUMAR, Advocate (SR-26712 dated 18/08/2021)



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ORDER DATED : 17/08/2021

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DECREE

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CMA(MD). No.1009 of 2017

Nature of decree: While allowing the Appeal in part and modifying the award passed by the tribunal below as against the award passed in M.C.O.P.No. 60 of 2011, dated 14/09/2012 passed by the motor accident Claims Tribunal (Principal Subordinate Judge, Tenkasi. Tirunelveli District etc., as stated therein.,

KB(06.09.2021) 3P 5C