

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.M.A.NO.4387 OF 2019

N.Marappan

... Appellant/Petitioner

vs.

1. P.Sathish

2. M/s.National Insurance Co. Ltd.,
81-D, North Car Street,
Tiruchengode-637 211.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award and Decree dated 15.07.2019 passed in M.C.O.P.No.777 of 2016 on the file of the Motor Accidents Claims Tribunal / Chief Judicial Magistrate, Namakkal.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.C.Thangaraju, Advocate for the Appellant and of Mr.K.Padmanabhan, Advocate for the Second Respondent, and the First Respondent not appeared in person or by an advocate, wherein the Appellant/Petitioner have paid the Additional Court Fees in respect of the enhanced amount vide S.R.No.13788 dated 21.04.2022, this court while allowing the Civil Miscellaneous Appeal by modifying the award of the Tribunal, doth order and decree as follows:-

i) that the award of the Tribunal be and hereby is enhanced to Rs.5,28,500/- (Rupees Five Lakhs Twenty Eight Thousand and Five Hundred only) from Rs.4,93,500/- (Rupees Four Lakhs Ninety Three Thousand and Five Hundred only);

ii) that out of the total compensation for a sum of Rs.5,28,500/- the Appellant herein/Claimant be and hereby is entitled a sum of Rs.3,96,375/- (Rupees Three Lakhs Ninety Six Thousand and Three Hundred and Seventy Five only) after deducting 25% of the contributory negligence fixed on him.

iii) that the 2nd respondent/Insurance Company be and hereby is directed to deposit the above amount, to the credit of M.C.O.P.No.777 of 2016 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Namakkal, together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of six weeks from the date of receipt of a copy of this Judgement

iv) that on such deposit being made, the Appellant/Claimant shall be permitted to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn;

v) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ssn

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate,
Namakkal.

Copy To

The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.

+2ccs to Mr.C.Thangaraju, Advocate, S.R.No.19268

DATED : 22/03/2022

DECREE :

C.M.A.No.4387 of 2019

Allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 15.07.2019 made in M.C.O.P.No.777 of 2016 on the file of the Motor Accidents Claims Tribunal / Chief Judicial Magistrate, Namakkal, etc., as stated therein.

SPD(CO)
RLP(09/05/2022)