



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

Monday, the Thirty First day of January Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice **S .ANANTHI**
CMA(MD) . No.1404 of 2013

WEB COPY

1.RISIQ MAHA ARVIND,
2.Sri Ram
3.Shanthi (Died)

... Appellant/Claimants

(Name of the 1st Appellant is amended vide court order dated.03.01.2022 in CMP(MD)No.11027/2021 in CMA(MD) No.1404/2013)

(Minor Appellants 1 and 2 are declared as major and guardianship of their grand mother d next friend (3rd Appellant) is discharged Vide Court order dated.31.01.2022 in CMP(MD) No.335/2022 in CMA(MD)No.1404/2013)

-Vs-

1 PAULSAMY,

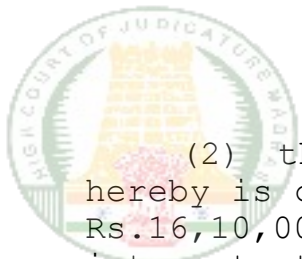
2 THE ORIENTALINSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
S.K.G.SAMY COMPLEX, FIRST FLOOR,
NO.28, NORTH CAR STREET, TENKASI.

... Respondents/Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to enhance the award amount in MCOP No.1384 of 2011 on the file of the Motor Accidents Claims Tribunal, III Additional District and Sessions Court, Tirunelveli, dated.12.10.2012.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, 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 of Mr.C.JAWAHAR RAVINDRAN, Advocate for the 2nd Respondent and of 1st Respondent not appeared either in person or by an Advocate, while this Court Allowing the Civil Misceallaneous Appeal in part, doth order and decree as follows:-

(1) That the Compensation awarded by the Tribunal be and hereby is enhanced to Rs.16,10,000/- (Rupees, Sixteen lakhs and ten thousand only) with interest at the rate of 8% per annum from Rs.12,25,000/- as awarded by the Tribunal below;



(2) that the 2nd Respondent herein/Insurance Company be and hereby is directed to deposit the enhanced compensation amount i.e., Rs.16,10,000/- (Rupees, Sixteen lakhs and ten thousand only) with interest at the rate of 8% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.1384/2011 on the file of the Motor Accidents Claims Tribunal, III Additional District and Sessions Court, Tirunelveli within a period of six weeks from the date of a receipt of a copy of the Judgment herein,

(3) That on such deposit being made, the 1st and 2nd Appellants herein/Claimants be and hereby are liberty to withdraw the same in the ratio 50:50 after following the due process of law; and

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal,
III Additional District and Sessions Court, Tirunelveli,

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-3288 dated 01/02/2022)

ORDER DATED : 31/01/2022

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DECREE

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CMA(MD). No.1404 of 2013

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part to enhance the award amount in MCOP No.1384 of 2011 on the file of the Motor Accidents Claims Tribunal, III Additional District and Sessions Court, Tirunelveli, dated.12.10.2012, as stated with in.