



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(CIVIL APPELLATE JURISDICTION)**

**FRIDAY, THE SIXTH DAY OF MAY TWO THOUSAND TWENTY TWO
PRESENT**

THE HON`BLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA(MD) . NO.28 OF 2020

WEB COPY

V.SUBRAMANIAN

... Appellant/Petitioner

Vs

1.D.JOHNSON JOSEPH

2.CLAIMS MANAGER

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD.,
2ND FLOOR, NO.2, N.S.C.BOSE ROAD,
CHENNAI.

... Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, preferred against the fair and decretal order dated 31/10/2019 and made in MCOP.No.233 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Virudhunagar at Srivilliputhur.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Friday, Twenty Ninth Day of April Two Thousand Twenty Two, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.N.Tamilmani, Advocate for the Appellant and of Mrs.K.R. Shivashankari, Advocate for the 2nd Respondent, and this court while allowing the appeal in part and modified the award passed by the Tribunal below, having stood over consideration till this day ,this Court doth order and decree as follows:-

(1) That the compensation awarded by the the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Virudhunagar at Srivilliputhur, be and hereby enhanced from Rs.5,25,932/- to Rs.6,73,932/- (Six Lakh Seventy Three Thousand Nine Hundred and Thirty Two only), with interest at the rate of 7.5% per annum, from the date of petition till the date of realisation.

(2) That the 2nd Respondent herein/insurance company be and hereby is directed to deposit the modified enhanced award amount to the credit of M.C.O.P.No.233 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Virudhunagar at Srivilliputhur, within a period of eight weeks from the date of receipt of a copy of this order, less the amount, if any already deposited.



(3) That on such deposit being made, the appellant herein/claimant be and hereby is permitted to withdraw the entire award amount with proportionate accrued interest and costs, less the award amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(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 Chief Judicial Magistrate/
Motor Accident Claims Tribunal,
Virudhunagar at Srivilliputhur.

Copy to:

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

+1 CC to Mr.N. TAMILMANI, Advocate (SR-23494 dated 06/05/2022)

+1 CC to Mrs.K.R. SHIVASHANKARI, Advocate (SR-23555
dated 06/05/2022)

ORDER DATED : 06/05/2022

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DECREE

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CMA(MD). No.28 of 2020

Nature of Decree:-Allowing the Civil Miscellaneous Appeal in part, preferred against the award dated 31/10/2019 and made in MCOP.No.233 of 2018 on the file of Motor Accident Claims Tribunal (Chief Judicial Magistrate), Virudhunagar at Srivilliputhur and etc., as stated within.

SG(CO)

GC(31.05.2022) 2P 6C