



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

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

The Honourable Mrs. Justice S. ANANTHI
CMA(MD). No.334 of 2020

And

CROSS OBJECTION (MD) No.38 of 2021

WEB COPY

Branch Manager,
IFFCO TOKIO Insurance Company Ltd.,
82, Preetham Plaza, First Floor,
Ponmeni, Chandragandhi Nagar,
Bye-pass Road,
Madurai.

... Appellant/Respondent No.1 in Cross Objection

Vs

1. Mahalingam ... Respondent No.1/Cross Objector
2. Senthilkumar
3. Jasmine Rose ... Respondents 2 & 3 both in CMA and Cross Objection

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 and the Cross Objection filed Under ORDER 41 Rule 22 of Code of Civil Procedure, preferred against the judgment and decree of the Motor Accident Claims Tribunal / Subordinate Court, Devakottai dated 14.11.2019 made in M.C.O.P. No.90 of 2016.

DECREE:-

These Civil Miscellaneous Appeal and the Cross Objection came up for final hearing on Monday, the Twenty Fourth day of January, Two Thousand and Twenty Two, upon perusing the grounds of Civil Miscellaneous Appeal and the Cross Objection, the order of the Tribunal and the material papers to the Appeal and the Cross Objection and upon hearing the arguments of V.SAKTHIVEL, Advocate for the Appellant in CMA/ first Respondent in Cross Objection and of R.BALAKRISHNAN, Advocate for the first respondent/Cross Objection herein, and having stood-over the matter for consideration till this date, this Court allowing the Cross Objection in part by enhancing the Award amount, doth order and decree as follows:-

(1) That the Compensation amount of Rs.6,37,763/- (Rupees Six Lakhs Thirty Seven Thousand Seven Hundred and Sixty Three only) granted under the Award dated 14.11.2019 made in M.C.O.P. No.90 of 2016 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Devakottai be and hereby is enhanced to a sum of Rs.7,12,763/- (Rupees Seven Lakhs Twelve Thousand Seven Hundred and Sixty Three only) and interest at the rate of 7.5 per cent per annum from the



date of petition till the date of deposit;

(2) That out of the said modified Award amount, the Appellant/Insurance Company be and hereby is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only), and the third Respondent/owner of the vehicle is directed to deposit the remaining amount, within a period of six weeks from the date of receipt of a copy of this judgment;

(3) That the Civil Miscellaneous Appeal be and hereby is dismissed;

(4) And that there be no costs in these Civil Miscellaneous Appeal and the Cross Objection.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
The Motor Accident Claims Tribunal (The Subordinate Court),
Devakottai.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-3309 dated 01/02/2022)

ORDER DATED : 31/01/2022

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DECREE

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CMA(MD). No.334 of 2020

And

CROSS OBJECTION (MD) No.38 of 2021

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal and partly allowing the Cross Objection, preferred against the judgment and decree dated 14.11.2019 made in MCOP No. 90 of 2016 on the file of the Motor Accidents Claims Tribunal/Subordinate Court, Devakottai.

RD(06.06.2022) 2P 5C

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