



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

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD). No.855 of 2021

1.SELVARANI

2.UDAYAN

... Appellants/Petitioners

Vs

1 SENGUTTUVAN

2 The New India Insurance Comp
any Ltd, Office at Door No.200-F, 1st Floor,
Panchayat Union Road, Valliyoor-627 112,
Rep. by through its Branch Manager.

... Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal/Third Additional District Judge, dated 19/03/2021 made in MCOP No.931 of 2019.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday sixteenth day of March Two thousand and 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.V.Sasikumar Advocate for the Appellant and of Mr.J.S.Murali Advocate for the Second Respondent and First Respondent not appeared either in person or by an Advocate and in pursuance of the memo. Filed by the Appellants herein/Claimants vide USR. No.12501 dated 26/04/2022 in respect of Additional Court Fee of Rs.1,025/- (Rupees one thousand and twenty five only) having stood over for consideration till this day, this Court while modifying the award of the Tribunal and allowing the Appeal in part doth order and decree as follows:-

(1) That the quantum of compensation awarded by the Tribunal be and hereby enhanced from Rs.15,42,000/- to Rs.25,44,200/- (Rupees Twenty five lakhs and forty four thousands and two hundred only) with interest at the rate of 7.5% per annum;



(2) that the Second Respondent herein/New India Insurance Company limited be and hereby directed to deposit the entire compensation of Rs.25,44,200/- (Rupees Twenty five lakhs and fourty four thousands and two hundred only) (if not already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.931 of 2019 on the file of the Motor Accidents Claims Tribunal/Third Additional District Judge, Tirunelveli, within a period of eight weeks from the date of receipt of a copy of this order;

(3) that on such deposit being made by the Insurance Company, the appellants herein/Claimants be and are hereby at liberty to withdraw the same, as apportioned by the Tribunal, after following due process of law; and

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The III Additional District Judge,
Motor Accident Claims Tribunal
Tirunelveli.

Copy to:

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

+1 CC to Mr.J.S. MURALI, Advocate (SR-19685 /2022)

+1 CC to Mr.V. SASI KUMAR, Advocate (SR-19781 /2022)



WEB COPY

CMA(MD). No.855 of 2021

ORDER DATED : 19/04/2022

=====

DECREE

=====

CMA(MD). No.855 of 2021

Nature of Decree:-

Allowing the Civil
Miscellaneous Appeal in part
preferred against the award
of the The III Additional
District Judge, Motor Accident
Claims Tribunal Tirunelveli.
Dated 19/03/2021 made in MCOP
No.931/2019 and etc., as
stated within.

MGJ(12.05.2022) 3P 6C