



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

**Monday, the Eighteenth day of April Two Thousand Twenty Two
PRESENT**

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD) . No.745 of 2020

WEB COPY

The Branch Manager,
National Insurance Co. Ltd.,
Karthika Complex,
I Floor, 403-B-10 Mettur Main Road.,
Bhavani. ... Appellant/2nd Respondent

Vs

1. A.Rabikkabanu
2. A. Sahil Ahamed
3. Minor. A.Shajithnavin
(Minor 3rd respondent represented by his mother and guardian,
the first respondent herein)
4. A. Divan Begum ...Respondents 1 to 4/Petitioners
5. P. Chandrakala ...5th Respondent/1st Respondent

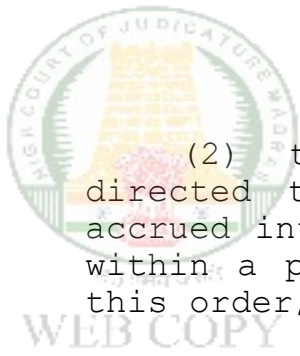
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal/Subordinate Judge, Uthamapalayam dated 29.11.2019 made in M.C.O.P.No.26 OF 2015.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Monday, the Fourteenth 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.R.RAJAMANI, Advocate for the Appellant and of Mr.K.SURESH KUMAR, Advocate for the Respondents 1 to 4, in pursuance of the SR.No.12496/2022 dated 26.04.2022 filed by the Respondents herein/Claimants in respect of additional Court fee to the sum of Rs. 1250/- (Rupees One Thousand Two Hundred and Fifty only) and having stood over for consideration, till this date this Court while modification of the award of the Tribunal, doth order and decree as follows:-

(1) That, the award passed by the Motor Accidents Claims Tribunal/Subordinate Judge, Uthamapalayam dated 29.11.2019 made in M.C.O.P.No.26 OF 2015 be and hereby enhanced from Rs.21,05,000/- to Rs.22,30,000/- (Rupees Twenty Two Lakhs and Thirty Thousand only) with interest at 7.5%p.a from the date of Claim Petition till the date of realization and the Civil Miscellaneous Appeal is dismissed;



(2) that, the Appellant/Insurance Company be and hereby directed to deposit the modified enhanced award amount with accrued interest and cost, less the award amount already deposited, within a period of 8 weeks from the date of receipt of a copy of this order;

(3) that, on such deposit being made, the claimants be and are hereby permitted to withdraw their share in the award amount so deposited, together with proportionate accrued interest and cost as per the terms and ratio of apportionment made by the Tribunal, by filling necessary application before the Tribunal and

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Motor Accidents Claims Tribunal/Subordinate Judge,
Uthamapalayam.

Copy to:

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

+1 CC to Mr.R. RAJAMANI, Advocate (SR-18906)

+1 CC to Mr.K. SURESH KUMAR, Advocate (SR-19281)

ORDER DATED : 18/04/2022

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DECREE

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CMA(MD). No.745 of 2020

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accidents Claims Tribunal/Subordinate Judge, Uthamapalayam, dated 29.11.2019 made in M.C.O.P.No.26 OF 2015 and etc., as stated within.

RD(06.06.2022) 2P 6C

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