



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

**WEDNESDAY, THE NINETEENTH DAY OF JANUARY TWO THOUSAND AND TWENTY TWO
PRESENT**

THE HON'BLE MRS.JUSTICE R.THARANI

CMA(MD) . NO.435 OF 2014

WEB COPY

M.NAGOOR MEERAN,
S/O. MAGTHOOM
148/2 KOTTUR ROAD,
PALAYAMKOTTAI
TIRUNELVELI - 627 002.

... Appellant/Claimant

Vs

1.A.AHAMED PAREETH
S/O. ABDUL KHADAR,
NO.64, COTCHINGA CHOLANAYARAR STREET,
PALAYAMKOTTAI,,
TIRUNELVELI - 627 002..

2.THE BRANH MANAGER
THE NATIONAL INSURANCE COMPANY LIMITED,
NO.37-C, SWAMY NELLIAPPAR HIGH ROAD,,
TIRUNELVELI - 627 001.

... Respondents/Respondents

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(Chief Judicial Magistrate) Tirunelveli dated 31.07.2013 made i M.C.O.P.No.192 of 2011.

DECREE:-

This Civil Miscellaneous Appeal coming up for final hearing on Twenty First day of September Two Thousand and Twenty One,, upon perusing the Grounds of Appeal,the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of M/S.ANANTH C RAJESH, Advocate for the Appellant and of none appeared for first respondent,and M/S.D.SIVARAMAN, Advocate for the second respondent and having stood over for consideration till this day, this court while modifying the award, doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) Tirunelveli dated 31.07.2013 made in M.C.O.P.No.192 of 2011 is be and hereby enhanced from Rs.1,33,150/- to Rs.1,64,500/-(One Lakh Sixty Four Thousand and Five Hundred only)

(2) that the Second Respondent/Insurance Company be and hereby is directed to deposit Rs.1,64,500/-(One Lakh Sixty Four Thousand and



Five Hundred only) along with interest at the rate of 7.5% p.a from the date of petition till the date of deposit and with cost within a period of eight weeks from the date of receipt of a copy of the judgment, herein less the amount, if already deposited,

(3) that on such deposit being made, the appellant/claimant is be and hereby permitted to withdraw the entire award amount, after deducting amount if any, already received by him.

(4) that the claimant shall not entitled for interest for the default period, if there is any default,

(5) 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,
THE 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 M/s.D.SIVARAMAN, Advocate (SR-1783 dated 19/01/2022).

ORDER DATED : 19/01/2022

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DECREE

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CMA(MD). No.435 of 2014

Nature of Decree:- Allowing in part of the Civil Miscellaneous Appeal preferred against the the judgment and decree of the Motor Accidents Claims Tribunal(Chief Judicial Magistrate) Tirunelveli dated 31.07.2013 made in M.C.O.P.No.192 of 2011.

AC (CO)
GC (03.02.2022) 2P 5C