



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Seventh day of March Two Thousand
and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD)No.180 of 2017

BASTIN

... APPELLANT/PETITIONER

Vs

1.V.VINOTH

2.THE BRANCH MANAGER

THE TATA AIG INS.CO., LTD.,
2ND FLOOR, SAMSUNG TOWERS,
403-L, PANTHEON ROAD,
EGMORE, CHENNAI-8.

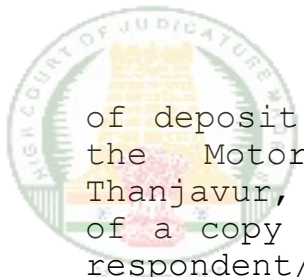
... RESPONDENTS/RESPONDENTS

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act praying this Court to set aside the Judgment and Decree passed in M.C.O.P.No.428 of 2016 dated 18.11.2016 on the file of the Motor Accident Claim Tribunal/Special District Court, Thanjavur.

Decree: This Civil Miscellaneous Appeal coming up for final hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers of the Appeal and upon hearing the arguments of Mr.N.Tamilmani, Advocate for the Appellant, and of Mr.J.S.Murali, Advocate for the 2nd Respondent, and while modifying the award of the tribunal and partly allowing the appeal, this Court doth order and decree as follows:-

i)that the award of the Motor Accident Claim Tribunal/Special District Judge, Thanjavur, dated 18.11.2016 and made in M.C.O.P.No.428 of 2016 be and hereby is modified by enhancing the compensation/award amount from Rs.25,000/- to Rs.35,000/- (Rupees Thirty five thousand only) and this Civil Miscellaneous Appeal be and hereby is partly allowed;

ii)that the 2nd Respondent herein/TATA AIG Insurance Company Limited be and hereby is directed to deposit the entire compensation of Rs.35,000/- (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 M.C.O.P.No.428 of 2017 on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur, within a period of eight weeks from the date of receipt of a copy of this order and shall recover the same from the first respondent/owner of the motorcycle in the manner known to law;

iii)that on such deposit being made, the appellant/claimant be and hereby is permitted to withdraw the entire amount after following the due process of law; and

iv)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Special District Judge,
Motor Accident Claim Tribunal,
Thanjavur.

Copy to:

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

+ 1 CC to M/s.J.S.MURALI, Advocate, SR.No.10514

+1 CC to M/s.N.TAMILMANI, Advocate, SR.No.10682

ORDER DATED : 07/03/2022

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DECREE

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CMA(MD)No.180 of 2017

Nature of Decree:-Partly Allowing the Civil Miscellaneous Appeal preferred against the Special District Judge,MACT, Thanjavur, dated 18.11.2016 made in MACOP.No.428 of 2016 etc., as stated within.

RK(31/03/2022) 2P 6C

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