



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)



Thursday, the Fifteenth day of December Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMA(MD) . No.1125 of 2022

Kaliyamoorthy,
S/o.Seenan Adhidravidar Mayanthoppu St.,
Melakattor Keelakattor Post,
Thiruvidaimaruthur Taluk ... Appellant / Petitioner

.Vs.

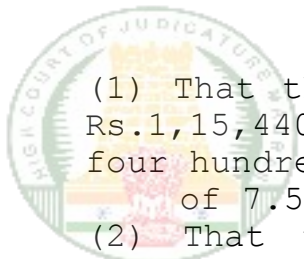
- 1 Murali
S/o.Dhass, Puthu Colony St., Mampattu,
Village, Malaiyanoor, Madhurantham Taluk..
- 2 IFFCO TOKIO GENERAL INSURANC
E COMPANY LIMITED, Rep by its Regional,
Manager,Kanchipuram..
- 3 Ramamoorthy,
S/o.Thanikachalam, No.1, Nakkirar St., Munu,
Athi Nagar, East Tambaram, Chennai-59..
- 4 The New India Assurance Co. Ltd.,
Rep by its Regional Manager,,
Chengalpattu,
Kanchipuram District. ... Respondents / Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 20.02.2015 made in MCOP No.15 of 2013 on the file of the Principal Subordinate Court, Motor Accident Claims Tribunal, Kumbakonam.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.S.SIVATHILAKAR, Advocate for the Appellant and of Mr.S.SRINIVASA RAGAVAN, Advocate for second respondent, and Mr.A.ELANGO, Advocate for the fourth respondent, and first and third respondent not appeared either in person or by an Advocate, while modifying the award of the Tribunal and partly allowing the Appeal and this Court doth order and decree as follows:-



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(1) That the compensation awarded by the Tribunal is enhanced from Rs.1,15,440/- to Rs.1,65,440/- (Rupees One Lakhs sixty five thousand four hundred and forty only) which shall carry interest at the rate of 7.5% per annum.

(2) That the second respondent / IFFCO Tokia General Insurance Company Ltd., be and is hereby directed to deposit the enhanced compensation awarded by this Court i.e. Rs.1,65,440/- (Rupees One Lakhs sixty five thousand four hundred and forty only) together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit to the credit of MCOP No.150 of 2013, on the file of the Motor Accident Claims Tribunal, Principal Subordinate Court, Kumbakonam, 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 second respondent herein / Insurance Company, the appellant herein is at liberty to withdraw the same, after following due process of law.

(4) That the second respondent be and is hereby permitted to pay and recover the compensation from the first respondent.

(5) That there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

DSS

To

The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Kumbakonam.

Copy to:

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

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-62770[F] dated 16/12/2022)

+1 CC to M/s.A.ILANGO, Advocate (SR-62938[F] dated 19/12/2022)



WEB COPY



ORDER DATED : 15/12/2022

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DECREE

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CMA (MD) . No.1125 of 2022

Nature of Decree:-

Partly Allowing
the Civil Miscellaneous
Appeal preferred against
the award dated 20.02.2015
made in MCOP No.150 of 2013
of the Principal
Subordinate Judge, Motor
Accident Claims Tribunal,
Kumbakonam etc. as stated
within.

SI(16.02.2023) 3P 6C