



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Nineteenth day of April Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMA(MD) . No.1306 of 2014

Sakthivel

... Appellant/Claimant

Vs.

1.Mohamed Arif

2.The Branch manager,

Bajaj Allianz General Insurance Company Ltd.,

Collector Office Road,

Cantonment,

Tiruchirappalli.

... Respondents/Respondents

(R1 is remains set exparte by the Tribunal Hence, notice may be given up against him)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow the appeal to the effect that so as to enhance the compensation to the tune of Rs.5,00,000/- in addition to compensation awarded by the tribunal by modifying the judgment and decretal order made in M.C.O.P.No.211 of 2009, dated 15.09.2014 by the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Pudukkottai.

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. B.ANANDAN, Advocate for the Appellant and of MR. S.MICHEL HELDON KUMAR, Advocate for the 2nd respondent, while this Court allowing the appeal, doth order and decree as follows:-

(1) That the award amount, of Rs. 5,70,400/- be and hereby enhanced to Rs. 8,95,400/-(Rupees Eight Lakhs Ninety Five Thousand and Four Hundred only) and will carry 7.5% interest from the date of the claim petition;



(2) That the 2nd respondent herein/Insurance company be and hereby is directed to deposit the enhanced amount within a period of 8 weeks from the date of receipt of copy of the judgment.

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

WEB COPY

Sd/-

Assistant Registrar(CS III)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Pudukkottai.

Copy to:

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-22078 dated 19/04/2023)

+1 CC to M/s.S.MICHEAL HELDON KUMAR, Advocate (SR-22085 dated 19/04/2023)

ORDER DATED : 19/04/2023

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DECREE

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CMA(MD) . No.1306 of 2014

Nature of Decree:- Allowing the Appeal in part preferred as to enhance the compensation to the turn of Rs. 5,00,000/- in addition to enhance the compensation awarded by the tribunal by modifying the judgment and decree order made in M.C.O.P.No. 211 of 2009, dated 15.09.2014 by the Motor Accident Claims Tribunal(Chief Judicial Magistrate), Pudukkottai.