



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Twenty Third day of February Two Thousand and
Twenty Three

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

AND

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CMA(MD). No.1119 of 2016

RAJAN

...Appellant/ Petitioner

Vs

1 STEPHEN

2 M/S.LARSEN AND TURBO LTD.,
ECC DIVISION UNIT OFFICE 167,
C/O.NUCLEAR POWER CORPORATION OF INDIA LTD.,
KODANKULAM PROJECT MOUNT POONAMALLE RD .,
P.B.NO.979 CH- 89.

3 IFFCO TOKIO GENERAL INSURANCE CO.LTD.,
A/104 DWARKESH 1ST FLOOR L.T.ROAD.,
BORIVALI MUMBAI-1,
B.O.AT NO.28(O.NO.195),1ST & LIND FLOOR,
NORTH USMAN ROAD., T.NAGAR, CH-17.

4 MANIKANDAN

5 THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO.LTD.
NO.3/33B, MAIN ROAD,
P.P.K.BUILDING,
MARTHANDAM K.K. DT.

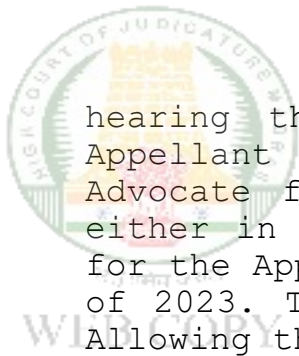
... Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 02.08.2021 made in MCOP No.125 of 2012 on the file of Motor Accident Claims Tribunal(Sub Court), Padmanabhapuram, dated 17.11.2015.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Motor Accident Claims Tribunal and the material papers to the Appeal and upon



hearing the arguments of Mr.C.Sankar Prakash, Advocate Appellant and of M.V.Sakthivel, Advocate for R3, Mr.J.S.Murali, Advocate for R5 and for the 2nd and 4th Respondents no appearance either in person or by an Advocate. Mr.C.Sankar Prakash, Advocate for the Appellant has filed the Additional Court Fee in USR No.11262 of 2023. This Court while modifying the award of the Tribunal and Allowing the Appeal in Part and doth order and decree as follows:-

i)That the award of the Motor Accident Claims Tribunal dated 02.08.2021 made in MCOP No.125 of 2012 on the file of Motor Accident Claims Tribunal(Sub Court), Padmanabhapuram, dated 17.11.2015 be and hereby modified by enhancing the compensation award amount from Rs.2,37,000/- to Rs.8,20,000/- (Rupees Eight Lakhs and Twenty Thousand only);

ii)that the third Respondent herein/Insurance Company, be and hereby is directed to deposit the said amount with interest at the rate of 7.5% per annum, to the credit of MCOP No.125 of 2012, on the file of the Motor Accident Claims Tribunal(Sub Court) Padmanabhapuram, after deducting the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this order;

iii)On such deposit being made, the Appellant herein/Claimant would be entitled to withdraw the said amount with proportionate accrued interest and costs, less the amount, if any already withdrawn; and

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

AM

To

The Motor Accident Claims Tribunal (Sub Court),
Padmanabhapuram.

Copy to:

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).



CMA(MD).



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+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-11037[F] dated 27/02/2023)

+1 CC to M/s.J.S.MURALI, Advocate (SR-10686[F] dated 24/02/2023)

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-10384[F] dated 23/02/2023)

ORDER DATED : 23/02/2023

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DECREE

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CMA(MD) . No.1119 of 2016

Partly Allowing the CMA (MD).
No.1119 of 2016 preferred against
judgment and decree dated 17.11.2015
made in MCOP No.125 of 2012 on the
file of Motor Accident Claims
Tribunal(SubCourt), Padmanabhapuram,
as stated within.

SI/(25.04.2023) 3P/ 7C