



C.M.A.(MD) No.827 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD) No.827 of 2024

and

C.M.P.(MD)No.10791 of 2024

P.Krishnasamy.

... Appellant

Vs.

1.Senthil Kumar,
2.Muthu,
3.The Divisional Manager,
The United India Insurance Company Ltd.,
KAR Towers, 2nd Floor,
R.S.Road,
Dindigul.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, 1988, against the award dated 28.07.2023 made in M.C.O.P.No.564 of 2021 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge to deal with MCOP Cases, Dindigul.

For Appellant : Mr.S.Pugalendhi

For Respondents

for R1 & R2 : *Ex parte*

for R3 : Mr.I.Robert Chandrakumar



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J U D G M E N T

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The instant appeal has been filed seeking enhancement of the compensation, mainly, on the ground that the appellant had incurred expenses for medical expenses to the tune of Rs.2,71,045/- after the claim petition was ordered on 28.07.2023.

2. The learned counsel for the third respondent/Insurance Company submitted that the above documents cannot be taken as additional evidence and has to be established before the Tribunal for seeking enhanced compensation.

3. There is force in the said submission. Hence, this Court is of the view that the matter should be remanded back to the Tribunal to decide as to whether the additional compensation can be awarded on the basis of the documents, which are now sought to be filed in the instant appeal as additional documents. Therefore, the matter is remitted back to the Tribunal only for the limited purpose of deciding whether the additional documents filed by the appellant can be accepted and the appellant would be entitled to additional compensation. The Tribunal shall undertake and



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complete this exercise within a period of eight (8) weeks from the date of receipt of a copy of this order and pass suitable award in accordance with law.

4. In the result, this Civil Miscellaneous Appeal is disposed of. No costs. C.M.P.(MD)No.10791 of 2024 is allowed.

03.09.2024

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order
apd

Note:

Registry is directed to return the original documents filed in C.M.P. (MD)No.10791 of 2024 to the appellant.

To:

1. The Motor Accidents Claims Tribunal,
Special Subordinate Judge to deal with MCOP Cases,
Dindigul.

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



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SUNDER MOHAN, J.

apd

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