



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

C.M.A.No.2977 of 2007

1.Prema
2.Geetha
3.Malathi (Minor)
4.Anitha (Minor) @ Vijayalakshmi
5.Chithra
6.Baskaran, S/o.Jayabalan ... Appellants/Petitioners

(Minors rep by 1st appellant)

-Vs-

1.Mallika
2.The United India Insurance Co. Ltd.,
No.95, Big Street, Thiruvannamalai.
3.Baskaran, S/o.Kannan
4.The Oriental Insurance Co. Ltd.,
75, Krishnan Street,Tiruvannamalai.
5.Santha
6.Kannan
7.Kathayi
8.Jayachandran
9.Pandian ... Respondents/Respondents

Prayer:- Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act, 1988, against the award and Decree dated 11.07.2007 made in MCOP.No.848 of 1998 on the file of the Motor Accidents Claims Tribunal, District Court, Tiruvannamalai.

Decree : This Civil Miscellaneous Appeal coming on Tuesday the Third day of January 2017 upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.F.Terry Chella Raja, Advocate for the Appellants and of Mr.N.Vijayaraghavan, Advocate for the 2nd Respondent and of Mr.J.Chandran, Advocate for the 4th Respondent and the Respondents 1, 3, 5 to 9 not appearing either



in person or by Advocate and the Respondents 1 to 3 having set exparte before the tribunal and the Respondents 5 to 7 have paid Additional Court Fees in respect of the enhanced award amount vide SR.No.5572 dated 18.02.2022 wherein the Appellants have not paid the Additional Court Fee and having stood over for consideration till this day this Court while allowing the Civil Miscellaneous Appeal by modifying the award of the Tribunal, doth order and decree as follows:

1) that the award of the Tribunal be and hereby is enhanced to Rs.8,71,120/- (Rupees Eight lakhs seventy one thousand one hundred and twenty only) from Rs.5,05,768/-;

2) that the 2nd Respondent herein/Insurance Company is directed to deposit the enhanced award amount now determined by this court less any amount already deposited if any, within six (6) weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.848 of 1998 on the file of the Motor Accidents Claims Tribunal, District Court, Tiruvannamalai.

3) that on such deposit being made, the appellants 3,4,6 and the respondents 6 and 7 are permitted withdraw their respective shares in the ratio, fixed by the Tribunal;

4) that the balance amount left after payment of compensation shall be paid equally to the 1st Appellant and 5th Respondent;

5) that the proportionate share of the minors appellants 3 & 4 shall be deposited in any one of the Nationalised Banks under reinvestment scheme initially for a period of three years, renewable thereafter periodically till they attain majority, the appellant/mother of the minor appellants 3 & 4 is permitted to withdraw the accrued interest once in three months; till the minors attain majority.

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

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar



To:

1. The Motor Accidents Claims Tribunal,
The District Judge
Thiruvannamalai.

Copy To

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.J.Chandran, Advocate SR.No.78318

+1cc to Mr.M.Malar, Advocate SR.No.78123

+1cc to Mr.R.Karthikeyan, Advocate SR.No.78778

+1cc to Mr.B.Gopalan, Advocate SR.No.78512

DATED : 03/11/2017

DECREE :

C.M.A.No.2977 of 2007

Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 11.07.2007 made in MCOP.No.848 of 1998 on the file of the Motor Accidents Claims Tribunal, District Court, Tiruvannamalai, etc., as staed therein.

NRL (CO)
GMY (31/03/2022)