

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.1156 of 2017

K.Subbaiah ... Appellant

vs.

1. P.Santhanathan
2. National Insurance Co. Ltd.,
No.751, Anna Salai,
Chennai - 600 002. ... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Order and Decreetal Order in MCOP No.4438 of 2011 dated 07.07.2015 on the file of Motor Accidents Claims Tribunal, [VI Judge, Small Causes Court], Chennai.

For Appellant : Mr.A.Shanmugaraj
For Respondents : Mr.S. Arun Kumar (for R2)

J U D G M E N T

[Order of the Court was made by S.MANIKUMAR, J.]

Not satisfied with the quantum of compensation of Rs.5,00,000/-, with interest at the rate of 7.5% per annum, from the date of claim till deposit and costs, awarded in MCOP No.4438 of 2011 dated 07.07.2015 on the file of Motor

Accidents Claims Tribunal, [VI Judge, Small Causes Court], Chennai, injured has preferred the instant appeal.

2. Pending disposal of the appeal, appellant/injured has filed CMP.14865 of 2016 in CMA.SR.No.49285 of 2016, praying for an amendment of the claim amount of Rs.5,00,000/- to Rs.30,34,700/- in MCOP.No.4438 of 2011 on the file of Motor Accidents Claims Tribunal, [VI Judge, Small Causes Court], Chennai. The appellant has also filed a CMP No.4140 of 2017, to receive the additional documents .

3. We have gone through the award. Appellant/injured has sustained injuries and consequently, disability. Prima facie, enhancement has to be made. We, therefore, directed the learned counsel appearing for both parties to deliberate and quantify the amount to be enhanced.

4. Both the learned counsel for the parties consented that a sum of Rs.3,50,000/- [full quit], be the enhanced amount.

5. Placing on record the submission of the learned counsel for the parties, there is no need to delve into the details of the case and suffice to record that compensation would be enhanced to Rs.3,50,000/- [full quit].

6. National Insurance Company Ltd., Chennai, the 2nd respondent herein is directed to deposit the above said amount to the credit of MCOP.No.4438 of 2011 on the file of Motor Accidents Claims Tribunal, [VI Judge, Small Causes Court], Chennai, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the appellant/claimant, is permitted to withdraw the same, by making necessary applications before the tribunal.

7. Award of the tribunal is modified to the extent indicated above. Civil Miscellaneous Appeal is partly allowed. No costs.

[S.M.K., J.] [M.G.R.,J.]
23.03.2017

Index: Yes/No
Internet: Yes/No

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To

The Motor Accident Claims Tribunal,
[VI Judge, Small Causes Court], Chennai.

S.MANIKUMAR, J.
AND
M.GOVINDARAJ, J.

ars

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