



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.M.A.No.865 of 2017

P.Bharanidharan

.. Appellant/Petitioner

/versus/

1.B.Meera

2.The National Insurance Co.Ltd.,
Motor III Party Claim Office,
No.751, Anna Salai,
Chennai 600 002.

.. Respondents/ Respondents

Prayer: Appeal against the order of the Motor Accident Claims Tribunal, Additional District & Sessions Judge-II, Ponnammallee, dated 26.03.2014 made in M.C.O.P.No.316 of 2005.

Decree : This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers relating to the case and upon hearing the arguments of Ms.Y.Jayanthi Bhaskaran for M/s J.Mahalingam, Advocate for the Appellant and 2nd Respondent not appearing in person or by an advocate and 1st Respondent having been set exparte wherein the Appellant/Petitioner having been paid the Additional Court Fees in respect of the enhanced award amount while filing of this Civil Miscellaneous Appeal itself this Court while allowng the Civil Miscellaneous Appeal in part by modifying the award of the tribunal, doth order and decree as follows:

i) that the award of the Tribunal be and hereby is enhanced to Rs.77,000/- (Rupees Seventy seven thousand only) from Rs.65,000/- (Tribunal award) together with interest and costs;

ii) that the compensation amount shall carry interest @ 7.5% per annum from the date of petition till the date of realisation(excluding the period of dismissal from 22.06.2010 to 28.10.2020 and 280 days delay in filing this appeal, which was condoned by this Court by an order dated 23.02.2017, subject to waiver of interest for the default period).



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iii) that the 2nd respondent herein/Insurance company be and hereby is directed to deposit the enhanced award amount with interest, within a period of 8 weeks, from the date of receipt of a copy of this order.

iv) that on such deposit, the appellant herein*claimant shall be permitted to withdraw the same by filing an appropriate application.

v) that there be no order as to cost.

Sd/-

Assistant Registrar (Spl. Cell CJ Conf)

//True copy//

Sub Assistant Registrar

To:

1. The Additional District and Sessions Judge,
The Motor Accident Claims Tribunal,
Fast Track Court No. II, Poonamallee.
2. The Section Officer,
VR Section, High Court, Madras.

DATED : 01/02/2021

DECREE :

C.M.A.No.865 of 2017

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 26.03.2014 made in MCOP No.316 of 2005 on the file of the Motor Accident Claims Tribunal, Additional District & Sessions Judge-II, Ponnammallee etc., as stated therein.

SRI (CO)
GMY (03/09/2021)