

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1982 of 2015

M.Ramesh

.. Appellant/Petitioner

Vs.

1.Anithaa Lakshmi

(Since the first respondent remained exparte before the Tribunal. Hence, her presence is dispensed with)

2.Cholamandalam MS General Insurance Co. Ltd.,
No.1, Village Street,
Wajeeva Corporate Centre,
III Floor,
Chennai 34.

.. Respondents/Respondents

Prayer: These Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 13.01.2015, made in M.C.O.P.No.4841 of 2012, on the file of the V Judge, Small Causes Court, (Motor Accident Claims Tribunal), Chennai.

Decree: This Appeal coming on for hairng on 11.12.2019 and upon perusing the Grounds of Appeal, the award of the Motor Accident Claims Tribunal(V Judge, Court of Small Causes), Chennai, and upon hearing the arguments of Mr.F.Terry Chella Raja, Advocate for the Petitioner and of Ms.C.Harini for M/s.M.B.Raghavan, Advocate for the 2nd respondent and the first respondent called absent and set exparte before the Tribunal below and while allowing this Appeal in part, this Court doth order and Decree as follows:

- 1.that the Civil Miscellaneous Appeal be and hereby partly allowed and the compensation awarded by the Motor Accident Claims Tribunal(V Judge, Court of Small Causes), Chennai is hereby enhanced from Rs.5,96,100/- (Rupees Five lakhs ninety six thousand one hundred only)to Rs.6,92,100/- (Rupees Six lakhs ninety two thousand one hundred only)along with interest and costs.
- 2.That the 2nd respondent/Insurance Company be and hereby is directed to deposit the enhanced award amount, now

determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this Judgment, to the credit of MCOP.No.4841 of 2012 and recover the same from the 1st respondent.

3.That on being such deposit, the appellant/claimant in this appeal be and hereby is permitted to withdraw the enhanced award amount, less the amount already withdrawn, if any, filing necessary applications before the Tribunal.

4.That there be no costs.

Sd/-
Deputy Registrar(CCAA)

//True Copy//

Sub Assistant Registrar

To

1.The V Judge,
Small Causes Court,
(Motor Accident Claims Tribunal), Chennai.

2.The Section Officer,
V.R. Section,
High Court, Madras.

+1cc to M/s.M.Malar, Advocate, S.R.No.103883

+1cc to Mr.N.Vijaya Raghavan, Advocate, S.R.No.103374

Order Dated:11.12.2019
C.M.A.No.1982 of 2015
DECREE: Allowing the Civil
Miscellaneous Appeal in part
filed against the award
dated 13.01.2015, made in
MCOP.No.4841 of 2012, on the
file of the V Judge, Small
Causes Court, (Motor Accident
Claims Tribunal), Chennai,
etc., as stated within.

RGN(CO)
CB(16/11/2021)