

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND NINETEEN

PRESENT :

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

C.M.A.NOS.862 OF 2012 & 1266 OF 2019

The Divisional Manager,
The New India Assurance Co. Ltd.,
No.69/70, Sheikpet Nadu Street,
Kancheepuram.

...Appellant in CMA No.862/12
and 2nd Respondent in CMA No.1266/19
/ 2nd Respondent in MCOP No.888/2008

Vs

1.R.Krishnamurthy
S/o, Ramasamy

2.Minor Sowmiya
D/o, Krishnamurthy

3.Minor Sharmila
D/o, Krishnamurthy
(Minors represented by their father and
natural guardian R.Krishnamurthy)
All at No.46, Villivalam Village,
Naickenpettai Post, Kancheepuram District.

...Respondents 1 to 3 in CMA No.862/12
and Appellants 1 to 3 in CMA No.1266/19
and Claimants in MCOP No.888/2008

4.R.Srinivasan
S/o. Ramalinga Naicker,
No.46, Dharma Thottam Street,
Irubuliyur, Chennai - 600 045.

...4th Respondents in CMA No.862/12
and 1st Respondent in CMA No.1266/19
and 1st Respondent in MCOP No.888/2008

Appeal under Section 173 of Motor Vehicles Act 1988,
against the award dated 24.03.2011 made in M.C.O.P.No.888 of
2008, on the file of the Motor Accidents Claims Tribunal, Sub
Court, Kancheepuram.

Decree : These Appeals coming up for hearing on this day, upon perusing the grounds of Appeals the award of the Tribunal, and the material papers in this case and upon hearing the arguments M/s.A.Salomi for M/s.C.Ramesh Babu Counsel for Appellant in CMA No.862/2012 and Counsel for 2nd respondent in CMA No.1266/2019, Mr.S.Sankaralingam Counsel for 1st respondent in CMA No.862/2012 and Counsel for appellants in CMA No.1266/2019 and the appellants / claimants in CMA No.1266/2019, having paid the court fee in respect of the enhanced compensation amount at the time of filing the appeal itself, this court while dismissing the Civil Miscellaneous Appeal No.862/2012 and allowing the Civil Miscellaneous Appeal No.1266/2019 in part, doth order and decree as follows :

1.That the compensation awarded under the award and decree dated 24.03.2011 made in MCOP NO.888/2008 on the file of the Motor Accident Claims Tribunal, Sub Court, Kancheepuram be and hereby is enhanced from Rs.9,80,000/- to Rs.10,20,000/- (Rupees Ten Lakhs Twenty Thousand Only);

2.That the appellant herein in CMA No.862/2012 / Insurance Company be and hereby is directed to deposit the enhanced compensation amount now determined by this court;

3.That on such deposit being made, the Tribunal be and hereby is directed to transfer the compensation amount now determined by this court to the Claimants' Bank Account through RTGS; and

4.That there be no costs in this appeal.

Sd/-
Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

ah

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Kancheepuram.

+2ccs to Mr.C.Ramesh Babu, Advocate SR.No.69846, 69847

+2ccs to Mr.S.Sankaralingam, Advocate SR.No.70092

DATED : 16/08/2019

DECREE

CMA No.862 of 2012

AND

CMA No.1266 of 2019

 Dismissing the Civil
Miscellaneous Appeal No.862/2012
and allowing the Civil Miscellaneous
Appeal No.1266/2019 preferred
against the Judgment and Decree
dated 24.03.2011 made in MCOP
No.888/2008 on the file of the
Motor Accident Claims Tribunal, Sub
Court, Kancheepuram etc., as stated
within.

CP(CO)

RVM(12/08/2021)