



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.(MD)No.710 of 2019

- 1.M.Devi
2.Karunya
3.Sarathkumar

... Appellants/Petitioners
Vs.

1. S.Subash Chandra Bose

2. Sri Ram General Insurance Company Limited,
No.5F, Sachin Plaza,
Reddiyar Block No.1,
Ist Floor, Front Portion,
Salem 636 016.

(1st respondent was set-exparte before the Tribunal.
Hence, first respondent may be dispensed with.)

... Respondents/Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 10.12.2013 in M.C.O.P.No.176 of 2011 on the file of the Motor Accident Claims Tribunal / Sub Court, Kulithalai and seeking enhancement of compensation of Rs.6,00,000/-.

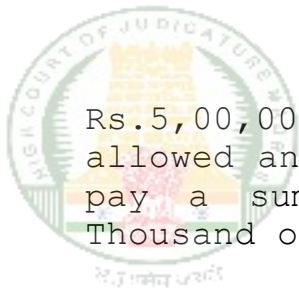
For Appellants: Mr.N.Sudhagar Nagaraj
For R2 : Mr.D.Sivaraman

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the claimants challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal / Sub Court, Kulithalai in M.C.O.P.No.176 of 2011, dated 10.12.2013.

2. When the matter is taken up for hearing today, the learned counsel appearing for the appellants/claimants filed a Calculation Memo for a sum of Rs.14,22,166/-, whereas the learned counsel appearing for the second respondent/Insurance Company submitted that as per the calculation, the compensation is arrived at a sum of Rs.4,68,000/-. Further, both the counsels agreed for a sum of Rs.5,00,000/-, in addition to the compensation, a sum of Rs.5,77,000/- as awarded by the Tribunal.

3. The Tribunal has awarded a sum of Rs.5,77,000/-. Now, over and above to the above said award, both the parties agreed for a sum of Rs.5,00,000/-. Therefore, without going into the merits of the case, the amount awarded by Tribunal stands enhanced from Rs.5,77,000/- to Rs.10,77,000/- (Rs.5,77,000/- +



Rs.5,00,000/-). Accordingly, the Civil Miscellaneous Appeal is allowed and the second respondent/Insurance Company is directed to pay a sum of Rs.10,77,000/- (Rupees Ten Lakhs Seventy Seven Thousand only) in total.

4. The learned counsel appearing for the second respondent/Insurance Company submitted that the Insurance Company already deposited the award passed by the Tribunal along with interest. Therefore, this Court directs the second respondent/Insurance Company to pay a sum of Rs.5,00,000/- along with interest as agreed before this Court, in addition to Rs.5,77,000/- as already awarded by the Tribunal, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the Tribunal is directed to transfer the said amount directly to the Personal Savings Account Number of the claimants by way of RTGS/NEFT system, after getting their Account Details, within a period of three weeks thereafter. The first appellant is permitted to withdraw a sum of Rs.2,00,000/- and the second and third appellants are permitted to withdraw a sum of Rs.1,50,000/- each along with interest. No costs.

5. The appellants/claimants are directed to pay the deficit Court fee if any, to the Registry before receipt of the judgment copy.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

To

The Sub Judge, Motor Accident Claims Tribunal
Kulithalai.

Copy to:The Section Officer,-2 copies

VR Section,Madurai Bench of Madras High Court,

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-98474[F] dated 15/11/2019)
+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-98797[F] dated 15/11/2019)

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