



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A. (MD)No.822 of 2019

WEB COPY

1.S.Gomathi (late)

2.S.Muniasamy

... Appellants/Claimants

Vs.

1. P.Gurunathan

2. Sriram General Insurance Company Limited,
No.10003-E-8, RIICO Industrial Area,
Sitapura,
Jaipur,
Rajasthan 302 022.

... Respondents/Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.233 of 2011, dated 06.07.2012 on the file of the Motor Accident Claims Tribunal / I Additional District Court, Thoothukudi.

For Appellants : Mr.G.Thalaimutharasu

For R1 : No appearance

For R2 : Mr.D.Sivaraman

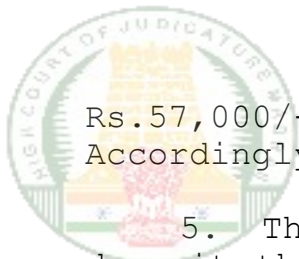
J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the claimants challenging the award passed by the the Motor Accident Claims Tribunal / I Additional District Court, Thoothukudi in M.C.O.P.No.233 of 2011, dated 06.07.2012.

2. The Tribunal has awarded a sum of Rs.57,000/- to the appellants/claimants. Aggrieved by the said award, the appellants/claimants have preferred the present appeal.

3. When the matter is taken up for hearing today, the learned counsel appearing for the second respondent/Insurance Company submitted that the Insurance Company is inclined to settle the matter by adding a sum of Rs.1,50,000/- in addition to Rs.57,000/- as awarded by the Tribunal. The learned counsel appearing for the appellants/claimants has also agreed for the said proposal.

4. In view of the agreement arrived at between both the parties, this Court is inclined to enhance the award amount passed by the Tribunal. Accordingly, the amount awarded by the Motor Accident Claims Tribunal / I Additional District Court, Thoothukudi in M.C.O.P.No.233 of 2011, dated 06.07.2012, is enhanced from



Rs.57,000/- to Rs.2,07,000/- (Rs.57,000/- + Rs.1,50,000/-). Accordingly, the Civil Miscellaneous Appeal is partly allowed.

5. The second respondent/Insurance Company is directed to deposit the entire award amount along with interest at the rate of 7.5 % per annum from the date of claim petition till the date of deposit, to the credit of the claim petition, 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 second respondent/Insurance Company need not pay any interest for the delay period of 2281 days in filing the appeal. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The I Additional District Judge,
The Motor Accident Claims Tribunal /
I Additional District Court,
Thoothukudi.

2. The Record Keeper,
VR Section(2 copies),
Madurai Bench of Madras High Court,
Madurai

C.M.A. (MD)No.822 of 2019

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