



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.1230 of 2011

WEB COPY

- 1)Muthumari
- 2)Shanthi
- 3)Manikandan
- 4)Kannan
- 5)Selvam
- 6)Ramalakshmi
- 7)Dhanalakshmi

... Appellants/Petitioners

vs.

- 1)A.Parvathi

... 1st Respondent/1st Respondent

- 2)Royal Sundaram Alliance Insurance Company,
Sundaram Towers,
46, Whites Road,
Royapettah,
Chennai-600 014.

... 2nd Respondent/2nd Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree made in MCOP.No.546 of 2008 dated 31.12.2009 on the file of the Additional District Judge, FTC No.I, Motor Accidents Claims Tribunal, Madurai.

For Appellants	: Mr.C.Vakeeswaran
For R2	: Mr.S.Srinivasa Raghavan
For R1	: Exparte

JUDGMENT

This appeal is filed by the claimants seeking enhancement of compensation.

2.It is a case of fatal and the Tribunal considering oral and documentary evidence awarded compensation of Rs.1,05,000/- with 7.5% interest per annum. The claimants have filed this appeal seeking enhancement of compensation to the tune of Rs.2,00,000/- over and above the compensation awarded by the Tribunal and the learned counsel for the appellants would point out the various heads under which the compensation was not adequately fixed.

3.At this juncture, the learned counsel for the 2nd respondent would state that the above appeal has been filed restricting the claim to Rs.2,00,000/- and therefore, he does not have any objection for allowing this appeal granting compensation of Rs.2,00,000/- as claimed in the appeal, for which, the learned counsel for the appellants is also agreeable.



4. Without going into the merits, recording the above submission made by the learned counsel for the 2nd respondent, this Civil Miscellaneous Appeal is allowed and the claimants are entitled to compensation of Rs.2,00,000/- over and above the compensation of Rs.1,05,000/- awarded by the Tribunal with 7.5% interest per annum from the date of petition till the date of deposit.

5. The 2nd respondent is directed to deposit Rs.3,05,000/- with 7.5% interest per annum from the date of claim petition till the date of deposit 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. On such deposit, the appellants/claimants are permitted to withdraw the total award of Rs.3,05,000/- in the ratio apportioned by the Tribunal with proportionate interest along with bank interest, without filing formal permission petition before the Tribunal.

With the above direction, this Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1) The Additional District Judge,
FTC I,
Motor Accidents Claims Tribunal,
Madurai.
- 2) The Section Officer,
V.R. Section (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.C.VAKEESWARAN, Advocate (SR-70885[F] dated 24/06/2019)
+1 CC to MR.S.SRINIVASA RAGHAVAN, Advocate (SR-71099[F] dated
25/06/2019)

CMA (MD) No.1230 of 2011
24.06.2019

BALA