

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3060 of 2006

1.Minor K.Nandan

2.Minor K.Naresh

(both are represented by next friend/
Grandfather A.P.Thangavelu)

3.N.Sivagami

... Appellants/Claimants

Vs.

1.M/s.Aryes Garph O Pack,
Rep. by its Managing Partner,
Bangalore - 562 058.

2.The Oriental Insurance Company Ltd.,
Bangalore.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree in M.C.O.P.No.1422 of 2002 dated 23.02.2005 on the file of the Motor Accident Claims Tribunal (Additional District Judge cum Fast Track Court No.2), Salem.

Decree: This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the award of the tribunal below and upon hearing the arguments of M/s.Ramya V.Rao, Advocate for the Appellants and of Mr.S.ArunKumar, Advocate for the 2nd Respondent and 1st respondent having remained set exparte before the Tribunal and the appellants having been paid the excess amount of court fee at the time of filing the appeal itself and this court while observing that the 1st and 2^d appellants herein/Claimants (minor) aged about 3 years at the time of filing of the claim petition in the year 2002, since they would have attained the age of majority and this court while allowing the appeal in part and the modification of the award of the tribunal, doth order and decree as follows.

1.That the compensation awarded by the tribunal be and hereby is enhanced from Rs.4,95,330/- (Rupees four lakhs ninety five thousand three hundred and thirty only) to Rs.9,42,000/- (Rupees nine lakhs forty two thousand only) together with interest and costs.

2.That the 2nd respondent herein/Insurance company be and hereby is directed to deposit the amount of Rs.4,95,330/- (Rupees four lakhs ninety five thousand three hundred and thirty only) together with interest at the rate of 9% per annum from the date of claim petition till the date of deposit less any amount already deposited within a period of eight weeks from the date of receipt of a copy of this judgment.

3.That the enhanced compensation amount of Rs.4,46,670/- (Rupees four lakhs forty six thousand six hundred and seventy only) shall carry on interest at the rate of 6% per annum from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of a copy of judgment.

4.That on such deposit, being made the appellants herein/Claimants shall be entitled to withdraw the compensation in the same proportion awarded by the Tribunal.

5.That the 1st and 2nd Appellants herein/Claimants (minor) be and hereby are directed to file suitable application before the Tribunal for recording their age of majority to withdraw their amount and the Tribunal may thereafter permit the 1st and 2nd appellants to withdraw their respective shares.

6.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal,
Additional District Judge
cum Fast Track Court No.2,
Salem.

+2CCs to Mr.T.S.Ramarathnam, Advocate, SR.No.42425,
+1CC to M/s.S.Arunkumar, Advocate, SR.No.42731

Dated: 21/12/2020

DECREE

C.M.A.No.3060 of 2006

Allowing the appeal in
part preferred against the award
and decree dated 23.02.2005 made
in M.C.O.P.No.1422 of 2002 on the
file of the Motor Accident Claims
Tribunal (Additional District
Judge cum Fast Track Court No.2),
Salem, etc., stated within.

BS(CO)
B.VC (09/09/2021)