



IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

WEB COPY

PRESENT:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1555 of 2013

1.Malaiammal @ Panchalai
2.Dhavidhu
3.Shanthi
4.Velankanni
5.Shankar

... Appellants/Claimants

Vs.

1.M/s.M.R.F. Ltd.,
No.826, Mount Road,
Chennai-2.

2.United India Insurance Co. Ltd.,
No.38, Anna Salai,
Chennai-2.

... Respondents/ Respondents

Civil Miscellaneous Appeal against the Judgment and Decree dated 29.01.2007 made in M.C.O.P.No.248 of 2005, on the file of the Motor Accidents Claims Tribunal, Additional District & Sessions Judge, Fast Track Court IV, Poonamallee.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the order of the Lower court and the material papers in the case and upon hearing the arguments of Ms.Y.Jayanthi for Mr.J.Mahalingam, Advocate for the Appellant and of M/s.King & Partridge, Advocate for the First Respondent and the Ms.R.Rathnathara, Advocate for the second Respondent and this Court while allowing this appeal in part with the modification of the Tribunal below doth order and decree as follows:

i) that the compensation awarded by the Tribunal be and hereby is enhanced from Rs.2,15,000/- to Rs.4,30,000/- (Rs.Fourt Lakhs Thirty Thousand Only).

ii) that the second respondent herein/Insurance Company be and hereby is directed to deposit a sum of Rs.2,15,000/- (as awarded by the Tribunal) less any amount already deposited by before the Tribunal together with interest 7.5% per annum from the date of the claim petition to the date of deposit and cost awarded by the Tribunal within a period of eight weeks from the date of receipt of this Order.



iii)that the Second respondent/Insurance Company be and hereby is also directed to deposit enhanced amount of compensation of Rs.2,15,000/- within the aforesaid period of eight weeks from the date of receipt of this order together with interest at 7.5% per annum from 14.02.2011 being the date of appeal till the date of actual deposit of the aforesaid amount of enhanced compensation.

iv)that the amount of Compensation of Rs.2,15,000/- apportioned by the Tribunal be and hereby is confirmed.

v)that the 1st appellant/Wife of the deceased be and hereby is entitled to a sum of Rs.1,25,000/- together with interest at 7.5% from 14.02.2011 till the date of actual deposit on the enhanced amount of compensation.

vi)that the Appellants 2 to 5/claimants 2 to 5 be and hereby are entitled to the balance amount of Rs.90,000/- equally together with interest at 7.5% from 14.02.2011 till the date of actual deposit on the enhanced compensation.

vii)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To:

The Motor Accidents Claims Tribunal,
Additional District & Sessions Judge,
Fast Track Court-IV, Poonamallee.

Copy to :

The Section Officer,
VR Section,
High Court, Madras .

Dated:04.09.2020

DECREE

C.M.A.No.1555 of 2013

Allowing the appeal in part preferred against the Judgment and decree dated 29.01.2007 made in M.C.O.P.No.248 of 2005, on the file of the Motor Accidents Claims Tribunal, Additional District & Sessions Judge, Fast Track Court IV, Poonamallee etc as stated within.

GP co

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(13.09.2021)