



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

WEB COPY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. Nos.1582 of 2012 & 2349 of 2013
and M.P. No.1 of 2013

C.M.A.No.1582 of 2012

1.R. Vasumathy

2.N. Ramadurai

.. Appellants/Petitioners
in C.M.A.No.1582 of 2012
and 1st&2nd Respondents
C.M.A.No.2349 of 2013

Vs.

1.R. Saravanan

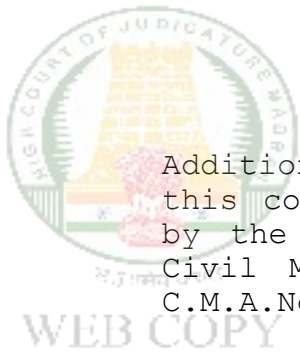
(R1 remained exparte before the Tribunal)

2.The New India Assurance Co. Ltd.,
No.169, Nungambakkam High Road,
Chennai 600 034.

.. Respondents/ Respondents
in C.M.A.No.1582 of 2012
and 1st Respondent/3rd
Respondent and 2nd Respondent/
Appellant C.M.A.No.2349 of 2013

Prayer: Civil Miscellaneous Appeal against the order and decree of the Motor Accident Claims Tribunal,II Judge, Small Causes Court, Chennai dated 08.06.2011,made in M.C.O.P. No.1811 of 2007.

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 MR.R.Kalaiarasan for M/s. N.M. Muthurajan,Advocate for the Appellants in C.M.A.No.1582 of 2012 and first and second Respondents in C.M.A.No.2349 of 2013 and of Mr.Krishnamoorthy, Advocate for the Second Respondent in CMA.1582 of 2012 and Appellant in C.M.A.No.2349 of 2013 and first Respondent in C.M.A.No.1582 of 2012 and third Respondent in C.M.A.No.2349 of 2013 having remained exparte in the Lower Court wherein the Appellant / Petitioner having been paid the



Additional Court fee vide SR.No.19736/2020 dated 19.12.2020 and this court while allowing this Civil Miscellaneous Appeal filed by the Claimants in C.M.A.No.1582 of 2012 and dismissing the Civil Miscellaneous Appeal filed by the Insurance Company in C.M.A.No.2349 of 2013 doth order and decree as follows:

i)that the order and decree of the Motor Accident Claims Tribunal,II Judge, Small Causes Court, Chennai made in M.C.O.P. No.1811 of 2007 dated 08.06.2011, be and hereby modified by enhancing the award of compensation from Rs.6,84,000/- to Rs.13,19,600/-(Rs.Thirteen Lakhs Nineteen Thousand Six Hundred Only) along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

ii)that the 2nd respondent herein/Insurance Company be and hereby is directed to deposit the enhanced award amount now determined by this Court along with interest 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, to the credit of M.C.O.P. No.1811 of 2007.

iii)that on such deposit being made, the Appellants/claimants are permitted to withdraw the award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with interest and costs, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The II Judge,
Court of Small Causes,
(Motor Accident Claims Tribunal),
Chennai.

+1cc to Mr.M.Krishnamoorthy, Advocate SR.No. 37739



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Dated:23.11.2020

DECREE

C.M.A. Nos.1582 of 2012 & 2349 of
2013

and M.P. No.1 of 2013

Dismissing the Civil Miscellaneous Appeal in C.M.A.No.2349 of 2013 filed by the Insurance company and allowing the Civil Miscellaneous Appeal in CMA.1582 of 2012 filed by the Claimants is preferred against the award and decree of the Motor Accident Claims Tribunal, II Judge, Small Causes Court, Chennai dated 08.06.2011, made in M.C.O.P. No.1811 of 2007 etc as stated within.

VBA (CO)

A.SK (08.09.2021)