

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE SEVENTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

CIVIL MISCELLANEOUS APPEAL NO.2104 OF 2013

1.Ajmol Abraham

2.Deepu Kurian ...Appellants / Petitioners

Vs

1.T.Teekaram

2.The New India Assurance Co.Ltd.,
No.514/515, Gandhi Road,
Kancheepuram.
(now operating from Motor Third
Party Claims Office,
No.45, Moore Street, Chennai-1) ...Respondents / Respondents
(R-1 exparte in Lower Court)

Common Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 24.11.2011 made in M.C.O.P.No.3197 of 2007 on the file of Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.G.Balaji Prasad, Advocate for the Appellants and M/s.M.B.Gopalan, Advocate for the Respondents, 1st Respondent remained exparte before the tribunal, this Court while allowing the Civil Miscellaneous Appeal in part by

modifying the award of the Tribunal, doth order and decree as follows :-

1. That the order and Decree of the Motor Accidents Claims Tribunal / Chief Judge, Court of Small Causes, Chennai made in M.C.O.P.No.3197 of 2007, dated 24.11.2011, be and hereby enhanced from a sum of Rs.1,70,000/- (Rupees One Lakh Seventy Thousand only) to a sum of Rs.4,20,000/- (Rupees Four Lakh Twenty Thousand only) with interest at the rate of 7.5% p.a. from the date of petition till the date of payment;
2. That the apportionment of shares adopted by the Tribunal, shall stands confirmed;
3. That the Insurance Company / 2nd respondent shall be deposit the compensation amount within a period of six weeks from the date of receipt of a copy of this order, after deducting the amount deposited if any, by them;
4. That on such deposit, the appellant / claimant herein is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.
5. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Deputy Registrar (CS)

// True Copy //

Sub Assistant Registrar

CS

To

1. The Presiding Officer/Chief Judge,
Motor Accidents Claims Tribunal,
Court of Small Causes,
Chennai.

+1cc to M/s.G.Balaji Prasad, Advocate, Sr.No.24831/20

DATED : 17.07.2020

DECREE

C.M.A.No.2104 of 2013

Nature of Decree : Allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 24.11.2011 made in M.C.O.P.No.3197 of 2007 on the file of Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, etc. as stated therein.

RP(CO)
RVM(22/10/2021)