

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.2105 OF 2013

1.Sumi P.Thomas

2.Alka Anish (Minor)
Minor rep. By her mother and
Natural guardian sumi P.Thomas)

3.Mollykutty Abraham

4.K.P.Abraham ...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

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.3199 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 Appellant and M/s.M.B.Gopalan, Advocate for the 2nd Respondent, 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.3199 of 2007, dated 24.11.2011, be and hereby enhanced from a sum of Rs.43,96,000/- (Rupees Forty Three Lakhs Ninty Six Thousand Only) to a sum of Rs.67,33,400/- (Rupees Sixty Seven Lakhs Thirty Three Thousand Four Hundred only) with interest at the rate of 7.5% p.a. from the date of claim petition till the date of payment;
2. That the apportionment of shares adopted by the Tribunal, shall stands confirmed;
3. That the 2nd appellant / minor claimant share shall be deposited in any one of the Nationalised Bank in any interest bearing Fixed Deposit scheme till she attains majority and the interest thereon shall be withdrawn by the first petitioner / first claimant (mother) once in three months;
4. That on such deposit, the appellants 1,3 & 4 / claimants 1,3 & 4 herein are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.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

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.24832

DATED : 17.07.2020

DECREE

C.M.A.No.2105 of 2013

Nature of Decree : Partly
Allowing the Civil
Miscellaneous Appeal preferred
against the judgment and Decree
dated 24.11.2011 made in
M.C.O.P.No.3199 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)