

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.2107 OF 2013

1.Usha Abraham ...Appellant / Petitioner

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.3201 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 Mr.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.3201 of 2007, dated 24.11.2011, be and hereby enhanced from a sum of Rs.3,35,000/- (Rupees Three Lakhs Thirty Five Thousand only) to a sum of Rs.3,65,000/- (Rupees Three Lakhs Sixty Five Thousand only) with interest at the rate of 7.5% p.a.;
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;
4. That on such deposit, the claimant / appellant herein is be and hereby permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.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

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

+1cc to M/s.G.Balaji Prasad, Advocate, Sr.No.24835/20

DATED : 17.07.2020

DECREE

C.M.A.No.2107 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.3201 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)