



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY

WEB COPY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.3055 of 2013

1.Kotteswari

2.Minor. Vinitha .. Appellants/ Petitioners
(Minor represented by her next
friend guardian mother 1st appellant)

Vs.

1.Durai
2.The Divisional Manager,
ICICI Lambard General Insurance Co. Ltd,
Chottaboi Centre,
Nungambakkam High Road,
Chennai. .. Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 26.08.2011 made in M.C.O.P.No.65 of 2008 on the file of the Motor Accident Claims Tribunal, District Court, Thiruvananthapuram.

Decree: This Civil Miscellaneous Appeal coming up for hearing on this day and upon perusing the Grounds of Appeal, the award of the Lower court and the material papers in the case and upon hearing the arguments of MR.F.Terry Chella Raja, Advocate for the Appellant and of Ms.R.Sreevidhya, Advocate for the second Respondent and the first Respondent Not appearing either in person or by an Advocate wherein the Appellant / Petitioner having been paid the Additional Court fees in respect of the enhanced award amount vide USR.No.10529 dated 24.03.2021 while allowing this Civil Miscellaneous Appeal doth order and decree as follows:

i) that the compensation awarded by the Tribunal below at Rs.2,50,000/- (Rs. Two Lakhs Fifty Thousand Only) be and hereby is enhanced to Rs.5,20,000/- (Rs. Five Lakhs Twenty Thousand 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 respondents 1 & 2 herein/ Insurance Company be and hereby are 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.



iii)that on such deposit, the 1st appellant herein/Claimant be and hereby is permitted to withdraw her respective share of the award amount along with proportionate interest and costs, less the amount if any, already withdrawn, by filing necessary applications before the Tribunal.

iv)that the Appellants herein/Claimants be and hereby shall not be entitled for any interest for the delay period on the amount of Rs.2,70,000/- (Rs.Two Lakhs Seventy Thousand only)enhanced by this Court, as per the order of this Court dated 23.08.2013.

v)that the share of the minor 2nd appellant/Claimant be and hereby is directed to be deposited in any one of the Nationalised Bank till she attains majority.

vi)that the 1st appellant being the mother of the 2nd appellant herein/Claimant be and hereby is permitted to withdraw the accrued interest once in three months for the welfare of the minor. and

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

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

1.The District Judge

The Motor Accident Claims Tribunal, Thiruvanamalai.

2.The Section Officer,

VR Section, High Court,Madras.

+lcc to M/s.M.Malar, Advocate SR.No. 23917

+lcc to Mr.R.Sree Vidhya, Advocate SR.No. 24041

Dated:17.03.2020

DECREE

C.M.A.No.3055 of 2013

Allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree dated 26.08.2011 made in M.C.O.P.No.65 of 2008 on the file of the Motor Accident Claims Tribunal, District Court, Thiruvanamalai etc as stated within.

RR(CO)

A.SK(01.09.2021)