

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT:-

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

C.M.A.NO.896 OF 2018

N.Logesh, S/o.Nandagopal,
(Appellant as a Coma, rep.by his mother Chitra
as natural guardian and next friend to the appellant)
.. Appellant

..Vs..

1. N.Nagarajan, S/o.Balu,
(since the first respondent remained ex-parte,
before the Tribunal, hence, the his presence may be
dispensed with)
2. The National Insurance Company Limited,
Division -III, 2nd Floor,
No.751, Anna Salai, Chennai-600 002.
.. Respondents

Prayer:-

Civil Miscellaneous Appeal No.896 of 2018 filed under
Section 173 of the Motor Vehicles Act, 1988 against the Award
and Decree dated 27.11.2017 made in M.C.O.P.No.6292 of 2013 on
the file of the Motor Accidents Claims Tribunal, II Court of
Small Causes, Chennai.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing on
this day, upon perusing the grounds of Appeal, the Order of the
Lower Court and material papers in this case and upon hearing
the arguments of M/s.M.Malar, Counsel for the Appellant and
M/s.R.Srividhya, Counsel for Mr.R.Ravichandran, Counsel for the
respondent No.2, and R1 was set exparte before the Tribunal,
this Court, while allowing the appeal in part, doth order and
decree as follows:-

1. That the total compensation awarded by the Tribunal in
M.C.O.P.No.6292 of 2013 (pertaining to C.M.A.No.896 of 2018) be

and hereby is enhanced from Rs.3,58,000/- (Rupees Three Lakhs Fifty Eight Thousand Only) to Rs.43,00,940/- (Rupees Forty Three Lakhs and Nine Hundred and Forty Only);

2. That the rate of interest at 9% awarded by the Tribunal be and hereby is confirmed;

3. That the compensation determined in this appeal at Rs.43,00,940/- (Rupees Forty Three Lakhs and Nine Hundred and Forty Only) shall carry interest @ 9% per annum from the date of claim petition till the date of payment;

4. That the Second Respondent-Insurance Company be and hereby is directed to deposit the said compensation of Rs.43,00,940/- (Rupees Forty Three Lakhs and Nine Hundred and Forty Only) within a period of six weeks from the date of receipt of a copy of this judgment, together interest and costs as awarded by the Tribunal;

5. That on such deposit being made, the Appellant - N.Logesh, be and hereby is permitted to withdraw the Award amount now computed, along with interest and costs, less the amount, if any already withdrawn, by filing necessary application before the Tribunal;

6. That there be no costs in the above Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cs/rsh

To

The Motor Accidents Claims Tribunal,
II Court of Small Causes,
Chennai.

Copy to

The Section Officer,
V.R.Section, High Court,
Madras. (2 Copies)

+1cc to M/s.M.Malar, Advocate, SR.No.35690

+1cc to M/s.G.Ravichandran, Advocate, SR.No.35910

Order Dated :- 04.11.2020

DECREE:-

C.M.A.No.896 of 2018

Allowing the Civil Miscellaneous Appeal in part against the Award and Decree dated 27.11.2017 made in M.C.O.P.No.6292 of 2013 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai, as stated within.

SSV(CO)
CS/13/09/2021