

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE TWENTY EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT :

THE HONOURABLE MR.JUSTICE ABDUL QUDDOSE

CIVIL MISCELLANEOUS APPEAL NO.3204 OF 2014

S.Jeyamani

...Appellant/ Petitioner

-Vs-

1. P.Dhandayuthabani
(was set exparte in the Trial Court.
Notice may be dispensed with)
2. Shriram General Insurance Company Limited,
No.66, Thirumalai Pillai Street,
T.Nagar, Chennai - 600 017.

... Respondents/Respondents

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 30.07.2014 made in MACTOP.No.1954 of 2012 on the file of the IV Judge Motor Accidents Claims Tribunal/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.K.Varadhakamaraj for Mr.M.Saravanan, Advocate for the Appellant and Mr.K.Poomalai, Advocate for the 2nd Respondent and the First Respondent herein not appearing in person or by an Advocate, this court while allowing the Civil Miscellaneous Appeal by modifying the award of the Tribunal, doth order and decree as follows :-

1. That the Compensation awarded of the Tribunal be and hereby is enhanced to Rs.2,39,402/- (Rupees Two Lakhs Thirty Nine Thousand and Four hundred and two only) from Rs.1,72,402/- (Tribunal award) together with interest and costs; as awarded by this Court.

2. That the Second respondent Insurance Company be and hereby is directed to deposit the modified award amount along with interest from the date of claim till the date of deposit and costs after deducting the amount already deposited, if any to the credit of MCOP. No.1954 of 2012 within a period of four weeks from the date of receipt of a copy of this order.

3. That on such deposit being made, the Tribunal is directed to transfer the respective shares of award amount as per the apportionment made by the Tribunal along with accrued interest lying to the credit of MCOP No.1954 of 2012 to the bank accounts of the respective Appellants/claimants through RTGS within a period of two weeks.

4. That the award of compensation shall carry interest at the rate of 7.5% be and hereby is confirmed;

5. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. Motor Accidents Claims Tribunal,
The IV Judge,
Court of Small Causes, Chennai.

Copy to:
The Section Officer,
Vernacular Records,
High Court, Madras-104.

Order Dated :- 28.08.2020

DECREE:-

CMA.No.3204 OF 2014

Allowing the Civil
Miscellaneous Appeal preferred
against the judgment and Decree

dated 30.07.2014 made in
M.C.O.P.NO.1954 OF 2012 on the
file of the IV Judge Motor
Accidents Claims Tribunal/Court
of small Causes, Chennai, etc. as
stated therein.

RP (CO)
CS/23/08/2021