



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY
PRESENT:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.M.A.No. 1764 of 2020

1. Jaya,
2. Sathish,
3. Nithya,
4. Minor Pradeep Kumar,

(Minor 4th appellant is represented
by next friend guardian/mother)

... Appellants/Petitioners

Vs.

1. Sathiyaseelan,
2. The United India Insurance Company
Limited, TP HUB Divisional Office,
Peramanoor Main Road, Salem-7
Policy issued by UIIC Satyamangalam Branch,
No.74, Srilakshmi Complex, Opp. Taluk Office,
Mysore, Trunk Road, Sathyamangalam Tk.,
Erode District.

.. Respondents1&2/ Respondents1 & 2

PRAYER:- Civil Miscellaneous Appeal preferred under
Section 173 of Motor Vehicles Act against the Judgment and
decree dated 12.03.2020 made in M.C.O.P. No.1690 of 2018,
on the file of the Motor Accident Claims Tribunal, Special
District Judge, Salem.

Decree:This Civil Miscellaneous Appeal coming on for
hearing on this day and upon perusing the Grounds of Appeal
, the order of the Lower court and the material papers
in the case and upon hearing the arguments of
Mr.S.P.Yuvaraj, Advocate for the Appellant and of
Mr.D.Bhaskaran, Advocate for the Second respondent and the



first Respondent remained exparte before the Tribunal wherein the Appellant/ Petitioner having been paid the Additional court fees in respect of the enhanced award amount while filing of this Civil Miscellaneous Appeal itself and this court while allowing this Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:

i) that the award of the Tribunal be and hereby is enhanced to Rs.18,70,000/- (Rs. Eighteen Lakhs Seventy Thousand only) from Rs.11,37,264/- (Rs. Eleven Lakhs Thirty Seven Thousand Two Hundred and Sixty Four Only) (Tribunal award) together with interest and costs.

ii) that the compensation amount shall carry interest at 7.5% per annum from the date of petition till the date of deposit.

iii) that the 2nd respondent/Insurance Company is directed to deposit the enhanced award amount now determined by this Court along with interest, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of MCOP.NO.1690 of 2018.

iv) that on such deposit of the enhanced compensation amount, now determined by this Court, the appellants 1 to 3 are entitled to share the amount proportionately as ordered by the Tribunal and the appellants 1 to 3 are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.

v) that the share of minor appellant viz., 4th appellant is concerned, the same shall be deposited in any nationalised bank in any interest bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellant's mother, once in three months.

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

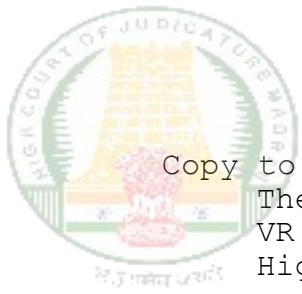
Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

The Special District Judge,
Motor Accidents Claims Tribunal,
Salem.



Copy to:

The Section Officer,
VR Section,
High Court, Madras

WEB COPY

+1 cc to Mr.S.P.Yuvaraj, Advocate Sr.NO. 40895

DATED:14.12.2020

DECREE

C.M.A.No.1764 of 2020

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 12.03.2020 in M.C.O.P. No.1690 of 2018, dated 12.03.2020 on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem etc as stated within.

AD co

A.SK(23.11.2021)