



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE FIFTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.M.A.No.3834 of 2019

Tamilselvi ... Appellant/ Petitioner

Vs.

1. Kalidhasan

2. The New India Assurance Co., Ltd.,
Claims HUB-Salem, 2nd floor,
Sethu Krishna Trade Centre,
133/31-1, Trichy Main Road,
Gugai, Salem 636 006

... Respondents

PRAYER:-Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the award and decree dated 20.08.2018 made in MCOP No.1194 of 2016, on the file of the Motor Accident Claims Tribunal, Special Subordinate Court No.I, 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.T.S.Arthanareeswaran for Mr. C. Paraneedharan, Advocate for the Appellant and of Mr.R. Janani for Mr . J. Chandran, Advocate for the second Respondent and even though the notice has been served on 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 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.3,46,320/- (Rs.Three Lakhs Forty Six Thousand Three Hundred and Two Only) from Rs.2,96,320/- (Rs.Two Lakhs Ninety Six Thousand Three Hundred and Twenty Only) (Tribunal award) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

ii)that the 2nd respondent/Insurance Company be and hereby is 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 eight weeks from the date of receipt of a copy of this judgment.

iii)that on such deposit being made, the appellant herein/Claimant be and hereby is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To
The Motor Accidents Claims Tribunal,
Special Sub Court No.I,Salem.

Copy to:
The Section Officer,
VR Section, High Court,Madras.

+1cc to Mr.J.Chandran, Advocate SR.No. 34315

Dated:15.10.2020

DECREE

C.M.A.No.3834 of 2019

Allowing the Civil Miscellaneous Appeal in part preferred against the Judgment and decree dated 20.08.2018 made in MCOP No.1194 of 2016, on the file of the Motor Accident Claims Tribunal,Special Subordinate Court No.I, Salem etc as stated within.

SAI
A.SK(16.08.2021)