



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE TWENTIETH OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MRS.JUSTICE S.KANAMMAL

C.M.A.No.1590 of 2021

1.Panneerselvam

2.Renukadevi

.. Appellants/Claimants

Vs.

1.The Correspondent,
ERK Arts and Science College,
Erumiyampatti,
Kokkarapettai Post,
Pappireddipatti Taluk,
Dharmapuri District - 636 905.

2.Cholamandalam MS General Insurance Company Limited,
Dare House, 2nd Floor,
No.2, N.S.C. Road,
Chennai - 600 001.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 11.12.2018 made in M.C.O.P.No.485 of 2017 on the file of the Motor Accident Claims Tribunal, Special District Court, Dharmapuri.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal the order and decree of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.A.Ilayaperumal, Advocate for the appellant herein and of Mrs.Harini, Advocate for the Second Respondent and wherein the appellant/petitioner having been paid where in 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, this Court, while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:



WEB COPY

1) that the award of the Tribunal be and hereby is enhanced to Rs.6,10,000/- (Rupees Six lakhs ten thousand only) from Rs.5,00,000/- (Rupees Five lakhs only) (Tribunal award) together with interest and costs;

2) that the compensation amount shall carry interest @ 7.5% per annum;

3) that the 2nd Respondent/Insurance Company be and hereby is directed to deposit the modified award amount 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 to the credit of M.C.O.P.No.485 of 2017 on the file of the Motor Accident Claims Tribunal, Special District Court, Dharmapuri;

4) that on such deposit being made the appellants/claimants be and hereby are permitted to withdraw their respective share of the award amount on the basis of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by filing necessary applications before the Tribunal;

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

Sd/-

Assistant Registrar (T & P)

//True copy//

Sub Assistant Registrar

To

The Special District Judge,
The Special District Court,
Motor Accidents Claims Tribunal,
Dharmapuri.

Copy To

The Section Officer,
V.R. Section,
High Court, Madras.

+1cc to Mr.A.Ilayaperumal, Advocate SR.No.34532



WEB COPY

DATED : 20/07/2021

DECREE :

C.M.A.No.1590 of 2021

While partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 11.12.2018 made in M.C.O.P.No.485 of 2017 on the file of the Motor Accident Claims Tribunal, Special District Court, Dharmapuri.

SRA (CO)
GMY (25/10/2021)