

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.M.A.No. 3361 of 2009

H.Premela Paul

... Appellant/Petitioner

Vs.

1. K.Balaji

2. The United India Insurance Co.Ltd.,
H.O.No.38, Anna Salai,
Chennai - 600 002
Branch 52,
General Muthiah Mudali Street,
Chennai - 79.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 09.01.2009 made in M.C.O.P.No.4489 of 2002 on the file of Motor Accidents Claims Tribunal, Additional District Session Judge, III Fast Track Court, 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.A.Ravindran, for Mr.A.Shanmugaraj, Advocate for the Appellant and Ms.R.Sreevidya, Advocate for second respondent and notice having been served on the first respondent and he neither not appearing in person nor by advocate 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:-

1. That the award of the Tribunal be and hereby is enhanced to Rs.1,93,250/- (Rupees One lakh ninety three thousand two hundred and fifty only) from Rs.1,07,000/- (Rupees One lakh seven thousand only) (Tribunal award)

2. That the award amount be and hereby shall carry interest @7.5% per annum from the date of claim petition till the date of deposit.

3. That the second respondent/ Insurance Company be and hereby is directed to deposit the award amount, less the amount, if any, already deposited, along with accrued interest within a period of six weeks from the date of receipt of copy of this Judgment, to the credit of M.C.O.P.No.4489 of 2002.

4. That on such deposit being made, the appellant-claimant be and hereby is permitted to withdraw the amount awarded by filing proper application before the Tribunal.

5. That the appellant herein / claimant be and hereby is not entitled to any interest for the condoned delay (default) period, if any in this Appeal.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

1. The Motor Accidents Claims Tribunal,
Additional District Session Judge,
III Fast Track Court, Chennai.

Copy to:

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

+1cc to Mr.A.Shanmugaraj, Advocate Sr No.24273
+1cc to Mr.R.Ravichandran, Advocate Sr No.24350

Date : 20.04.2021

DECREE:

C.M.A.No. 3361 of 2009

Partly allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 09.01.2009 made in M.C.O.P.No.4489 of 2002 on the file of Motor Accidents Claims Tribunal/ Additional District Session Judge, III Fast Track Court, Chennai, etc. as stated therein.

AKII (CO)
PR (10/11/2021)