

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE TENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

C.M.A.No.685 2009

G.Kantha

... Appellant/Petitioner

..Vs..

1.A.Mary Rani

2.The Oriental Insurance Co.Ltd.,
United India Building,
Esplande, Chennai.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 29/04/2008 made in M.C.O.P No.2750 of 2004 on the file of the II Judge, Small Causes Court, (Motor Accidents Claims Tribunal), 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 M/s.K.A.Ravindran, Advocate for the Appellant and of M/s.A.Arunkumar for the 2nd Respondent and steps not having taken to serve notice to the first respondent, this Court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows;

i) that the Compensation awarded in the Judgment and Decree of the Motor Accidents Claims Tribunal/II Judge, Small Causes Court, Chennai made in MCOP No.2750 of 2004 dated 29.04.2008 be and hereby enhanced from a sum of Rs.26,500/- (Rupees Twenty Six Thousand and Five Hundred only) to a sum of Rs.41,500/- (Rupees Forty One Thousand and Five Hundred only) including interest;

ii)that the second respondent/Insurance Company herein be and hereby is directed to deposit the award amount as determined above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy of this Order;

iii)that on such deposit being made, the Appellant/Claimant herein is permitted to withdraw the award amount, less the amount(s) if any already withdrawn by filing necessary application before the Tribunal;

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

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

To

The II Judge,
Motor Accidents Claims Tribunal,
Small Causes Court, Chennai.

Copy to

The Section Officer,
VR Section, High Court, Madras.

+1cc to M/s.S.Arunkumar, Advocate Sr.7925

Dated:10/02/2021

DECREE

C.M.A.No.685 of 2009

Partly allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 29/04/2008 made in M.C.O.P No.2750 of 2004 on the file of the II Judge, Small Causes Court, (Motor Accidents Claims Tribunal), Chennai, etc., as stated therein.

rp[col]

srg 21/01/2022