



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE NINETH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.379 of 2021

1.Nallathambi
2.Savithiri
3.Arul Prakash

.. Appellants/Petitioners

Vs.

1.P.Natesan
2.The Branch Manager,
United India Insurance Co Limited
No.50-A, Pallivasal Street,
Perambalur.

.. Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 21.02.2020 made in M.C.O.P.No.227 of 2016 on the file of the Motor Accident Claims Tribunal, Principal District Judge (FAC), Perambalur.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the grounds of Petition, the judgment and decree of the Lower Court and material records made available in this case and upon hearing the arguments of Ms.S.Lalitha for Mr.C.Vidhusan, Advocate for the Appellant and of Mrs.I.Malar, Advocate for the 2nd Respondent, the 1st Respondent not having appeared either in person or by an Advocate, and the appellant having paid the necessary Additional Court Fee for the enhance compensation vide Memo No.19879, dated 20.07.2021, while allowing the appeal in part, this Court doth order and decree as follows:

i) that the compensation awarded by the Tribunal at Rs.18,44,400/- (Rupees Eighteen lakhs Four Four Thousand Four Hundred only) be and hereby is enhanced to Rs.22,26,800/- (Rupees Twenty Two lakhs Twenty Six Thousand Eight Hundred only) 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 Respondents herein/United India Insurance Company be and hereby is directed to deposit the award amount now determined by this Court, along 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.227 of 2016 on the file of the Motor Accident Claims Tribunal, Principal District Judge (FAC), Perambalur.

iii) On such deposit, the appellants herein/claimants be and hereby are permitted to withdraw their respective share of the award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal.

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

Sd/-
Deputy Registrar (Accounts)

//True copy//

Sub Assistant Registrar

To

1.The Principal District Judge (FAC),
Motor Accident Claims Tribunal,
Perambalur.

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

+1cc to Mr.C.Vidhusan, Advocate SR.No.15111

+1cc to Mr.T.Ravichandran, Advocate SR.No.15641



WEB COPY

DATED : 09/03/2021

DECREE :

C.M.A.No.379 of 2021

Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 21.02.2020 made in M.C.O.P.No.227 of 2016 on the file of the Motor Accident Claims Tribunal, Principal District Judge (FAC), Perambalur, etc., as stated within.

RR (CO)
GMY (19/11/2021)