



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE SEVENTH DAY OF APRIL

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.M.A.No.2508 of 2012

1.Chandrasekar

2.Anjalai

3.Kozhmani

4.Ayyammal

5.Muruvammal

... Appellants/ Petitioners

Versus

1.K.Sakkarai

2.The Branch Manager,

The New India Assurance Company Ltd.,

No.110, Gandhi Road,

Arani,

Thiruvannamalai District.

... Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and decree dated 02.12.2010 made in M.C.O.P.No.359 of 2009 on the file of the Motor Accident Claims Tribunal, Fast Track Court - II, Tindivanam.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal , the material papers in the case and upon hearing the arguments of MR.Sivakumar for T.Dhanyakumar,Advocate for the Appellant and of Mr.E.Kannadasan, Advocate for the first Respondent and of Mr.J.Chandran, Advocate for the second Respondent and this court while allowing this appeal in part in modification of the award of the tribunal this Court,doth order and decree as follows:

i)that the award of the tribunal be and hereby is enhanced to Rs.9,05,400/-(Rs.Nine Lakhs Five Thousand Four Hundred) from Rs.3,64,500/-(Rs.Three Lakhs Sixty Four Thousand Five Hundred Only) along with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit.

ii)that the 1st Appellant herein/1st Claimant be and hereby is entitled to Rs.2,60,000/-(Rs. Two Lakhs Sixty Thousand Only); 2nd Appellant/2nd Claimant is entitled to Rs.5,85,400/-(Rs.Five Lakhs Eighty Five Thousand and Four Hundred Only) and the Appellants3 to 5/Claimants 3 to 5 are entitled to Rs.20,000/- each (Rs.Twenty Thousand Only);



iii)that the second respondent herein/Insurance Company be and hereby is directed to deposit the award amount, less the amount already deposited,if any along with accrued interest within a period of six weeks from the date of receipt of copy of this Judgment with liberty to recover the same from the first respondent.

iv)that on such deposit, the Appellants/claimants be and hereby are permitted to withdraw the amount awarded as above by filing proper application before the Tribunal.

v)that the claimants shall pay requisite Court fee before the receipt of the copy of the judgment for the enhanced compensation.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
Fast Track Court - II, Tindivanam.

Copy to:

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

+1cc to Mr.T.Dhanyakumar, Advocate SR.No. 26053
+1cc to Mr.E.Kannadasan, Advocate SR.No. 25918
+1cc to Mr.J.Chandran , Advocate SR.No. 25959

Dated:27.04.2021

DECREE

C.M.A.No.2508 of 2012

Allowing the appeal in part preferred against the Judgment and decree dated 02.12.2010 made in M.C.O.P.No.359 of 2009 on the file of the Motor Accident Claims Tribunal, Fast Track Court - II, Tindivanam etc as stated within.

(CO)

A.SK(22.09.2021)