

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CMA NO.1454 OF 2016

1. Kumari
2. Palani

...Appellants/Petitioners

versus

1. M/s.Subiksha Travels,
No.10, Pillayar Koil Street,
Pudupedu Village,
Nandambakkam,
Chennai - 600 069.
(R1-Already set exparte in Lower Court)
(R2-Notice may be dispense with)

2. Bajaj Allianz Gen. Insurance Co. Ltd.,
No.25/26, Prince Towers,
4th Floor,
College Road,
Nungambakkam,
Chennai - 600 006.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order dated 04.02.2016 made in M.C.O.P. No.863 of 2012 on the file of the Motor Accidents Claims Tribunal / III Additional District Court, Thiruvallur at Poonamallee.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this the twenty ninth day of July, two thousand and twenty one, 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 Ms.Y.Jayanthi Baskar for Mr.J.Mahalingam, Advocate for the Appellant and of Mr.T.K.Premkumar, Advocate for R2, R1 being set exparte, this Court, while partly allowing the Civil Miscellaneous Appeal in part by modifying the award amount, doth order and decree as follows:-

i) that the compensation of Rs.10,85,000/- (Rupees Ten Lakhs and Eighty Five Thousand only) be and hereby is enhanced to Rs.23,78,000/- (Rupees Twenty Three Lakhs and Seventy Eight Thousand only);

ii) that the second respondent / Insurance Company be and hereby is directed to deposit the entire award amount as assessed by this Court together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.863 of 2012 on the file of the III Additional District Court, Motor Accident Claims Tribunal, Thiruvallur at Poonamallee, within a period of eight weeks from the date of receipt of a copy of this Judgment;

iii) that on such deposit being made, the Tribunal is be and hereby directed to transfer the award amount directly to the bank accounts of the respective appellants / claimants through RTGS, within a period of two weeks thereafter;

iv) that on such deposit being made, as stated supra, the appellant / Insurance Company is be and hereby permitted to recover the said sum from the insured in accordance with law;

v) that there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal/
III Additional District Judge,
Thiruvallur at Poonamallee.

Copy To

The Section Officer,
V.R. Section
High Court of Madras, Chennai - 104.

DATED : 29/07/2021

DECREE :

CMA No.1454 of 2016

Partly allowing the Civil
Miscellaneous Appeal preferred
against the Judgment and award of
the Motor Accidents Claims
Tribunal / III Additional
District Court, Thiruvallur at
Poonamallee in M.C.O.P. No.863 of
2012 dated 04.02.2016, etc., as
stated therein.

SR-II(CO)
RLP(09/11/2021)