



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

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PRESENT:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CMA.No.3528 of 2011

1. Chellammal
 2. Kanagu
 3. Duraisami
- ... Appellants/Claimants

Vs.

1. K.K.Noor Ameen
 2. The Oriental Insurance Co. Ltd.
Siva Complex, II floor, No.22-C,
Saratha College Main Road,
Salem 636 016.
- ... Respondents/ Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 18.01.2010 made in M.C.O.P.No.2 of 2009 the Motor Accident Claims Tribunal, Subordinate Judge, Harur.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the order of the Lower court and the material papers in the case and upon hearing the arguments of Mr.M.Selvam, Advocate for the Appellants and of Mr.M.J.Vijaya Raghavan, Advocate for the second respondent and the first respondent Not appearing either in person or by an Advocate and this court while allowing this Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:

i) that the award of the Tribunal be and hereby is enhanced to Rs.2,91,200/- (Rs. Two Lakhs Ninety One Thousand Two Hundred Only) from Rs.1,55,000/- (Rs. One Lakh Fifty Five Thousand Only) (Tribunal award) together with interest and costs;

ii) that the compensation amount shall carry interest at 7.5% pa. from the date of claim petition till the date of deposit.

iii) that the second respondent herein/Insurance company is directed to deposit the enhanced compensation of Rs.2,91,200/- with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit, less the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this order.



iv)that on such deposit being made by the Insurance company, the Appellants/claimants are entitled to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

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

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accident Claims Tribunal, Harur.

+1cc to Mr.M.Selvam,Advocate SR.No. 8676

Dated:15.02.2021

DECREE

CMA. No.3528 of 2011

Partly allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree dated 18.01.2010 made in M.C.O.P.No.2 of 2009 the Motor Accident Claims Tribunal,Subordinate Judge,Harur etc as stated within.

BR(CO)

A.SK(01.10.2021)