



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE TWENTY SEVENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT

THE HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.3441 of 2012

S.Suresh

.. Appellant/Claimant

Vs.

1.P.Ramalingam

2.Bajaj Allianz General Insurance Co., Ltd.,  
Bhagawathi Palace, II Floor,  
J.Block, No.13, 3<sup>rd</sup> Avenue,  
Anna Nagar East,  
Chennai - 600 102.

.. Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the fair and decretal order dated 20.06.2012 made in M.C.O.P.No.67 of 2009 on the file of the Motor Accident Claims Tribunal, Sub-Court, Mettur.

Decree : This Appeal coming on for hearing on Twenty Second day of February Two Thousand and Twenty One and 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 Mr.S.S.Swaminathan, Advocate for the Appellant and of Mr.N.Somasundar, Advocate for the 2<sup>nd</sup> Respondent the 1<sup>st</sup> Respondent having been set exparte before the tribunal and having stood over for consideration till this day (27.04.2021) this Court while allowing the appeal in part, modification of the award of the Tribunal below, doth order and decree as follows:

i) that the compensation awarded by the Tribunal be and hereby is enhanced from Rs.2,16,400/- (Rupees Two lakhs sixteen thousand four hundred only) to Rs.3,06,400/- (Rupees Three lakhs Six Thousand Four Hundred only)

ii) that the Respondents 1 and 2 herein/Respondents be and hereby are directed to deposit the amount, which this Court determined in this appeal, to the credit of M.C.O.P.No.67 of 2009 on the file of the Motor Accident Claims Tribunal, Sub-Court, Mettur, with accrued interest at the rate of 7.5% per annum from the date of the claim petition till the date of



deposit along with costs, through RTGS or NEFT after adjusting the amount, if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment/decreed.

iii) that on such deposit being made the Appellant herein/Claimant shall be entitled to withdraw the award amount with accrued interest.

iv) that the appellant herein/Claimant be and hereby is directed to pay appropriate Court fees within a period of two months, failing which, he is not entitled to claim interest on the award amount.

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

Sd/-

Deputy Registrar (Accounts)

//True copy//

Sub Assistant Registrar

To

The Sub-Judge,  
Motor Accident Claims Tribunal, Mettur.

Copy To

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

+1cc to Mr.S.S.Swaminathan, Advocate SR.No.25638

+1cc to Mr.N.Somasundar, Advocate SR.No.26072

DATED : 24/04/2021

DECREE :

C.M.A.No.3441 of 2012

Allowing the appeal in part preferred against the judgment and decree dated 20.06.2012 made in M.C.O.P.No.67 of 2009 on the file of the Motor Accident Claims Tribunal, Sub-Court, Mettur etc., as stated within.

BS (CO)  
GMY (29/10/2021)