

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.M.A.No.2739 of 2013

Anjali

... Appellant/ Petitioner

Versus

1. Sugumar

(R1 remained exparte
before the Tribunal)

2. The Divisional Manager,

Bajaj Alliance General
Insurance Co. Ltd.,
No.25/26, Prince Towers,
Nungambakkam,
Chennai.

... Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal against the order of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tiruvannamalai and made in M.A.C.T.O.P.No.230 of 2007 dated:06.01.2012.

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.R.Terry Chellaraja,Advocate for the Appellant and of Ms.R.Sree Vidhya, Advocate for the second respondent and the first respondent having been set exparte in the lower court wherein the Appellant / Petitioner having been paid the Additional Court fee at the time of filing the appeal itself and this court while allowing this appeal doth order and decree as follows:

i)that the order of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tiruvannamalai and made in M.A.C.T.O.P.No.230 of 2007 dated:06.01.2012 be and hereby is modified and the award passed by the Tribunal be and hereby is enhanced from Rs.1,25,000/-(Rs.One Lakh Twenty Five Thousand Only) to Rs.1,90,000/-(Rs.One Lakh Ninety Thousand Only).

ii)that the award amount will carry the interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit.

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

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

v)that the claimant/ Appellant is not entitled to any interest for the condoned delay (default) period, if any in the present appeals.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Tiruvannamalai.

Copy to:

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

+1cc to M/s.M.Malar , Advocate SR.No. 24246

+1cc to Mrs.R.Sreevidhya, Advocate SR.No.24078

Dated:19.04.2021

DECREE

C.M.A.No.2950 of 2013

Allowing the appeal preferred against the Judgment and decree of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tiruvannamalai and made in M.A.C.T.O.P.No.230 of 2007 dated:06.01.2012 etc as stated within.

RK (CO)

A.SK(28.09.2021)