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IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE TWENTY NINTH DAY OF JULY

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA No.1941 of 2016
and Cros.Obj.81 of 2016

Royal Sundaram Alliance
Insurance Co.Ltd.,
Having Office at Bus Plaza,
3rd Floor,
No.5G, Lawson's Road,
Cantonment, Trichy, Tamil Nadu
Rep by its Branch Manager

... Appellant/3rd
Respondent in Cross
objection/Insurance Co

versus

1. Ganesan (died)
2. Balaji
3. Ramasubramanian
4. Santha Sakkubai
5. Arivoli
6. Arun Prasath

..1st Respondent /1st Cross
Objector/1st Claimant
.. Respondents2 & 3/ Respondents1 & 2
in Cross Objection/ Respondents 1 and 2
.. Respondents 4 to 6/2 to 4 Cross
Objectors/LRs
of deceased 1st Objector

R4 to 6 brought on record as LRs
of the deceased R1 viz., Ganesan
vide Court order 29.06.2021 made
in C.M.P.Nos.13992 and 13995 of 2020
in Cross.Obj.No.81 of 2016.

Prayer: Civil Miscellaneous Appeal and Cros.Obj filed
under Section 173 of the Motor Vehicles Act against the
judgment and decree made in M.A.C.T.O.P.No.118 of 2014 on the
file of the Motor Accident Claims Tribunal (District Judge,
FAC) at Karaikal dated 21.01.2016.

Decree: This petition coming on for orders as to admission on
this day and upon perusing the Grounds of Appeal, the judgment
and decree of the Courts below and the material papers in
the case and upon hearing the arguments of
Mr. M. Krishnamoorthy, Advocate for the Appellant in CMA/3rd



Respondent in Cross Objection and of Mr.Poovendra Perumal for M/s.Sai Bharath & Ilan, Advocate for the respondents 4 to 6 in CMA/Cross objectors in cross objection and Respondents 2 and 3 in CMA Respondents 1 and 2 cross objection set exparte before the Tribunal and the cross objectors Claimants having paid the necessary Court fee and this Court while partly allowing this Cross objection, doth order and decree as follows:

i)that the compensation awarded by the Tribunal be and hereby is enhanced from Rs.10,70,000/-(Rs.Ten Lakhs Seventy Thousand Only) to Rs.11,20,000/-(Rs.Eleven Lakhs Twenty Thousand Only).

ii)that the Appellant in CMA.1941 of 2016/3rd Respondent in Cross Objection do deposit the entire award amount as stated in Clause(1) Supra 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.A.C.T.O.P.No.118 of 2014 on the file of the Motor Accident Claims Tribunal (District Judge, FAC) at Karaikal, within a period of eight weeks from the date of receipt of a copy of this Judgment.

iii)that on such deposit being made,that the Tribunal be and hereby is directed to transfer the award amount directly to the bank account of the respective Respondents 4 to 6 in CMA/Cross objector/Claimants in the following ratio of 50:25:25 (50% to the wife and 25% each to the children of the deceased) through RTGS, within a period of two weeks thereafter.

iv)that the CMA.1941 of 2016 be and hereby is dismissed;

v)that there be no costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Judge (FAC),
Motor Accident Claims Tribunal, Karaikal

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



+1 cc to Mr. T.Sai Krishnan, Advocate Sr.NO.36897

DATED:29.07.2021

DECREE

CMA No.1941 of 2016

and Cros.Obj.81 of 2016

Partly allowing the cross Objection and dismissing this Civil Miscellaneous Appeal preferred against the judgment and decree made in M.A.C.T.O.P.No.118 of 2014 on the file of the Motor Accident Claims Tribunal (District Judge, FAC) at Karaikal dated 21.01.2016 etc as stated within.

RSI (CO)

A.SK(20.10.2021)

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