



IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.478 of 2021

1.R.Selvabakiam
2.R.Arul Dass
3.T.Lalithaman
4.R.Arul Kumar
5.R.Tamilselvam

.. Appellants/ Petitioners

Vs.

1.N.Ganesan
2.Bajaj Allianz General Insurance
Company Limited,
No.11, Office No.6A People Park,
3rd Floor, Kovai Central,
Kovai District - 641 018.

. Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.01.2020 made in M.C.O.P.No.762 of 2017 on the file of the Motor Accidents Claims Tribunal, V Additional District Court, Coimbatore.

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.S.P.Yuaraj,Advocate for the Appellants and of Ms.Rathna Thara, Advocate for the Second respondent and the Appellants/ Petitioners have paid the necessary Court fees in respect of the enhanced award amount while filing of this Civil Miscellaneous Appeal itself 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.7,34,998/-(Rs.Seven Lakhs Thirty Four Thousand Nine Hundred and Ninety Eight Only) from Rs.6,44,998/-(Rs.Six Lakhs Forty Four Thousand Nine Hundred and Ninety Eight Only) (Tribunal award) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.



ii)that the 2nd respondent herein/Insurance Company be and hereby is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.762 of 2017 on the file of the Motor Accident Claims Tribunal, V Additional District Court, Coimbatore.

iii)that on such deposit being made, the appellants/ Claimants be and hereby are permitted to withdraw their respective share of the award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount, already withdrawn by making necessary applications before the Tribunal.

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

Sd/-
Assistant Registrar(TNMCC)

//True Copy//

Sub Assistant Registrar

To

1.The V Additional District Judge,
Motor Accident Claims Tribunal,
Coimbatore.

+1 cc to Mr.S.P.Yuvarj, Advocate Sr.NO.16000

DATED:12.03.2021
DECREE
C.M.A.No.478 of 2021

Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree dated 23.01.2020 made in M.C.O.P.No.762 of 2017 on the file of the Motor Accidents Claims Tribunal, V Additional District Court, Coimbatore etc as stated within.

AK II(CO)
A.SK(27.10.2021)