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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.942 of 2020

(Through Video Conferencing)

P.Ramasami (Died)
1.R.Adimoolam
2.R.Arjun
3.R.Sakuntala
4.R.Venkatesan

...Appellants/Petitioners

vs.

1.V.Kishore Kumar Samuel
2.The Divisional Manager,
United India Insurance Company Ltd.,
No.13A, Nethaji Street,
Cuddalore 607 001.

...Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 22.10.2019 made in M.C.O.P.No.1803 of 2014 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate) Cuddalore.

For appellant	:	Mr.S.Udayakumar
For 1 st Respondent	:	No Appearance
For 2 nd respondent	:	Mr.D.Bhaskaran

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the appellants. By the impugned Judgment and decree dated 22.10.2019, the Motor Accident Claims Tribunal (Chief Judicial Magistrate) Cuddalore has awarded a sum of Rs.9,725/- together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit, to the appellants/claimants.



2. During the pendency of the claim petition before the Tribunal, the claimant died. Therefore, the 1st to 4th appellants who were impleaded as legal representatives of the deceased claimant. The deceased claimant met with an accident suffered for the injuries.

3. Aggrieved by the same, the appellants/claimants have filed this Civil Miscellaneous Appeal for enhancement of compensation.

4. The 1st to 4th appellants are the sons and daughters of the deceased claimant. The case of the claimant before the Tribunal was that on 02.05.2014, at about 7.30 hrs, when the deceased claimant Ramasamy was walking from west to east direction, SE Block, Thandavan Kuppam, a Bolero Car bearing Reg.No.TN.31.BX.1991 insured with the 2nd respondent, came from behind, driven by its driver in a rash and negligent manner knocked him down, as a result of which, he sustained fractures and multiple grievous injuries and later he died on 19.02.2015.

5. The Tribunal after considering the records has only awarded a sum of Rs.9,725/- towards medical expenses alone. The Tribunal has not awarded any amount towards attender charges, transportation and other miscellaneous expenses which are normally granted by the Tribunal while awarding the compensation.

6. Considering the fact that the claimant has also died, I am inclined to enhance the compensation by adding another sum of Rs.50,000/-. Accordingly, the compensation awarded by the Tribunal is enhanced to Rs.59,725/- which is rounded off to Rs.60,000/-.

7. The second respondent - Insurance Company is therefore directed to deposit the enhanced amount of compensation of Rs.60,000/- together with interest at 7.5% per annum from the date of the claim petition till the date of such deposit, less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment.

8. On such deposit, the appellants/claimants are permitted to withdraw the same equally together with interest accrued thereon, less any amount already withdrawn, by filing suitable application before the Tribunal.



9. Accordingly, this Civil Miscellaneous Appeal is partly allowed with the above observations. No cost.

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Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

kkd

To:-

The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Cuddalore.

Copy to:

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

+1cc to Mr.S.Udayakumar, Advocate Sr No.22964

C.M.A.No.942 of 2020

RK (CO)
PR (28/10/2021)