



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. No.553 of 2021

Durairaj

.. Appellant/Petitioner

Vs.

1.S.Saravanan

(R1 remained exparte before the Tribunal)

2.United India Insurance Company Limited,
Third Party Hub, Silingi building,
No.134, Greams Road,
Murugesanaicker Street,
Chennai - 600 006.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 08.01.2020, made in M.C.O.P. No.6318 of 2014, on the file of the Special Sub-Court 2, (Motor Accident Claims Tribunal), Small Causes Court, Chennai.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day 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.K.V.Muthu Visakan, Advocate for the Appellant and of Mr.S.Arunkumar, Advocate for R2, R1 set as exparte in Lower Court, the Civil Miscellaneous Petition allowed in party by modifying the award amount, this Court doth judgment and decree as follows:

1) that this Civil Miscellaneous Appeal is allowed in part and the compensation amount awarded by the Special Subordinate Judge No. 2, (Motor Accident Claims Tribunal), Small Causes Court, Chennai M.C.O.P. No.6318 of 2014 dated 08.01.2020, at Rs.1,13,000/-(Rupees One lakh Thirteen Thousand only) be and hereby is enhanced to Rs.1,96,000/-(Rupees One lakh Ninety Six Thousand only) 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/Insurance Company be and hereby directed to deposit the award amount, now determined by this



Court, along with interest and costs, 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.6318 of 2014.

iii) that on such deposit being made the appellant is permitted to withdraw the award amount, now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

The Special Subordinate Judge-2,
Small Causes Court,
(Motor Accident Claims Tribunal),
Chennai.

Copy To

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

+lcc to Mr.S.Arunkumar, Advocate SR.No.20341

DATED : 29/03/2021

DECREE :

C.M.A. No.553 of 2021

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal/Special Sub Court 2, Small Causes Court, Chennai in MCOP No.6318 of 2014 dated 08.01.2020 etc., as stated therein.

SR II(CO)
GMY(08/11/2021)