

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA No. 1528 of 2021

1.Ravi
2.Prema ...Appellants

vs.

1.Shanthi

2.The Branch Manager,
The New India Assurance Company Limited,
T.P.Hub, Divisional Office - 730 900,
Jerome Buildings, Fort Station Road,
Trichy - 620002. ...Respondents/Respondents

CMA No.1528 of 2021 Prayer: This Civil Miscellaneous Appeals against the award and decree dated 19.11.2020 made in M.C.O.P. No.76 of 2019 on the file of the Motor Accidents Claims Tribunal and Sessions Judge, Mahila Court, Perambalur.

Decree : This Appeal coming onfor hearing on this day upon perusing the grounds of Appeal the order and decree of the Tribunal Court below and the material papers in this case and upon hearing the arguments of Mr. S.P. Yuaraj, Advocate for the appellant and of Mr.J.Chandran, Advocate for the 2nd Respondent and wherein first respondent having set exparte in Lower Court itself and where in the appellant having been paid the Additional Court Fees in respect of the enhanced award amount while filing of this Civil Miscellaneous Appeal itself, this Court while allowing the Civil Miscellaneous Appeal in part by modifying the awad of the Tribunal doth order and decree as follows:

1) that the award and decree of the Motor Accidents Claims Tribunal and Sessions Judge, Mahila Court, Perambalur made in M.C.O.P. No.76 of 2019 dated 19.11.2020 be and hereby is enhanced to Rs.21,40,200/-(Rupees Twenty one lakhs forty thousand two thundred only) from Rs.11,15,640/-(Tribunal Award) together with interest.

2) that the Second Respondent/Insurance Company is directed to deposit the enhanced award amount now determined by this Court along with interest and costs from the date of claim till the date of deposit, less the amount already deposited if any, within a period four weeks from the date of receipt of a copy of this common Judgment, to the credit of MCOP No.76 of 2019.

3) that on such deposit being made, the Tribunal shall transfer the amount lying to the credit of MCOP.No.76 of 2019 to the bank account of the Appellantss/Claimants directly through RTGS in the ratio apportioned by the Tribunal within a period of one week thereafter.

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

Sd/-
Assistant Registrar(P & A)

//True copy//

Sub Assistant Registrar

To

The Sessions Judge,
Motor Accidents Claims Tribunal,
Mahila Court, Perambalur.

Copy To

The Section officer,
VR Section, High Court of Madras.

+1cc to Mr.J.Chandran, Advocate SR.No.46222

DATED : 09/09/2021

DECREE :

CMA No. 1528 of 2021

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 19.11.2020 made in M.C.O.P. No.76 of 2019 on the file of the Motor Accidents Claims Tribunal and Sessions Judge, Mahila Court, Perambalur etc., as stated therein.

SRA(CO)
GMY(09/11/2021)