



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2199 of 2021

V.Venkatesan

... Appellant/Petitioner

Vs

1.D.Devaraj (Set exparte before Tribunal)

2.Tata AIG General Insurance Company Ltd.,
Vellore.

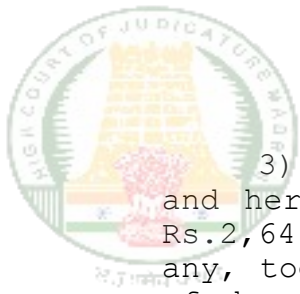
... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988 against the Decree and Judgment dated 31.10.2019 made in MCOP.No.58 of 2015 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore.

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 argumetns of Mr.M.Sivakumar, Advocate for the Appellant and of Mr.E.Rajadurai for Mr.M.B.Raghavan, Advocat efor the Respondent 2 wherein 1st Respondent having set exparte in lower Court itself/wherein the Appellant/Petitioner 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 award of the Tribunal, doth order and decree as follows:

1) that against the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore dated 31.10.2019 made in MCOP.No.58 of 2015 be and hereby is enhanced from Rs.1,59,550/- (Rupees One lakh fifty nine thousand five hundred and fifty only) to Rs.2,64,550/- (Rupees Two lakhs sixty four thousand five hundred and fifty only) (Tribunal award) together with interest and costs;

2) that the compensation amount shall carry interest @ 7.5% per annum till the date of petition till the date of deposit;



3) that the Second Respondent herein/Insurance Company be and hereby is directed to deposit the modified award amount of Rs.2,64,550/- after deducting the amount already deposited if any, together with interest from the date of claim till the date of deposit and costs to the credit of MCOP.No.58 of 2015 within a period of four weeks from the date of receipt of a copy of this Judgment;

4) that on such deposit being made, the Tribunal shall transfer the amount lying to the credit of MCOP.No.58 of 2015 to the bank account of the Appellant/claimant through RTGS within a period of one week thereafter.

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

Sd/-
Assistant Registrar(T & P)

//True copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal/
The Chief Judicial Magistrate, Vellore

Copy To

The Record Keeper,
VR Section, High Court of Madras.

+1cc to Mr.C.Prabakaran, Advocate SR.No.39867

DATED : 11/08/2021

DECREE :

C.M.A.No.2199 of 2021

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 31.10.2019 made in MCOP.No.58 of 2015 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore etc., as stated therein.

PP(CO)
GMY(25/10/2021)