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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CIVIL MISCELLANEOUS APPEAL NO.503 of 2021

1.Manickammal

2.Minor Srithika

3.Minor Agalya

(Minors rep. By their mother, 1st appellant)

4.Surumbayee

5.Parimanam

...Appellants / Claimants

Vs.

1.Indirani

2.The Manager,

United India Insurance Co. Ltd.,
5476-79, Sundaram Masila Maligai,
Old Thirumayam Salai, Pudukottai,
Pudukottai District 622 001.

...Respondents / Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 05.02.2019 made in MCOP No.1488 of 2016 on the file of the Motor Accident Claims Tribunal, Additional District Court, Namakkal.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers of the lower court and upon hearing the arguments of Mr.A.Sathishkumar for M/s.C.Thangaraju, Advocate for the appellants and of M/s.I.Malar, Advocate for the second respondent and the 1st respondent being set exparte in the lower Court itself, this Court while allowing this Civil Miscellaneous Appeal in part, doth order and decree as follows :-



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1. That the compensation of Rs.13,80,400/- (Rupees Thirteen Lakhs Eighty Thousand and Four Hundred Only) awarded by the Motor Accidents Claims Tribunal, Additional District Court, Namakkal, dated 05.02.2019 made in MCOP No.1488 of 2016, be and hereby is enhanced to Rs.25,39,200/- (Rupees Twenty Five Lakhs Thirty Nine Thousand and Two Hundred Only) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit;
2. 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, within a period of six weeks from the date of receipt of a copy of the Judgment, to the Credit of MCOP No.1488 of 2016;
3. That on such deposit being made, the appellants 1,4 and 5 herein / claimants 1, 4 & 5 be and hereby are permitted to withdraw their share of the award amount, now determined by this Court, along with proportionate interest and costs, as per the ratio of apportionment fixed by the Tribunal below, after adjusting the amount, if any, already withdrawn by filing necessary applications before the Tribunal;
4. That the share of the minor appellants 2 and 3 herein / claimants 2 & 3 be and hereby are directed to be deposited in any one of the Nationalized Bank, till the minors attain their age of majority;
5. That the first appellant herein / mother of the minor appellants 2 and 3 herein be and hereby is permitted to withdraw the accrued interest, once in three months and utilise the same for the welfare of the minor appellants 2 and 3; and
6. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

gsa



To

1. The Motor Accident Claims Tribunal,
The Additional District Judge,
Namakkal.

+2ccs to Mr.C.Thangaraju, Advocate SR.No.12547

DATED : 01.03.2021

DECREE

CMA NO.503 OF 2021

Allowing the Civil Miscellaneous Appeal against the award and decree dated 05.02.2019 made in MCOP No.1488 of 2016 on the file of the Motor Accident Claims Tribunal, Additional District Court, Namakkal District, etc., as stated within.

CP(CO)
RVM(30/09/2021)