

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A. No.1572 of 2018

1. Chitra
2. Minor Mano Anjali
3. Minor Baraneeswaran
4. Dhanalakshmi
5. Manokaran

...Appellants/Claimants

Vs.

- 1.Anandha
- 2.The Oriental Insurance Co. Ltd.,
No.1188, I Floor, 26th Main,
Ragigudda Temple Main Road,
9th Block, Jaya Nagar,
Bangalore,
Karnataka 560 069

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988 against the judgment and decree of the Motor Accident Claims Tribunal, Principal District and Sessions Court, Ariyalur, made in MCOP.No.311 of 2015 dated 31.01.2018.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the judgment and decree of the Lower Court and the records in the case and upon hearing the arguments of Mr.R.Jayaprakash, Advocate for the Appellant and of Mr.M.Krishnamoorthy, Advocate for the Second Respondent and the first respondent remain exparte before the Tribunal and this Court while allowing this Civil Miscellaneous Appeal, doth order and decree as follows:

1) that the order and decree of the Motor Accident Claims Tribunal, Principal District and Sessions Court, Ariyalur, made in MCOP.No.311 of 2015 dated 31.01.2018 be and hereby is

modified by enhancing the compensation amount of Rs.9,34,000/- (Rupees Nine lakhs thirty four only) to Rs.20,44,400/- (Rupees Twenty lakhs forty four thousand four hundred only) with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

ii) that the second respondent, be and hereby is directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited if any, within a period of eight weeks from the date of receipt of copy of this order.

iii) that on such deposit being made, the 1st 4th & 5th Appellants/Claimants are permitted to withdraw their respective share award amount on the basis of apportionment fixed by the Tribunal, along with interest and costs, less the amount if, any already withdrawn.

iv) that the share of the minor 2nd & 3rd Appellants/minor Claimants (Claimants 3 & 5 in MCOP NO.311 of 2015) shall be deposited in any one of the Nationalised Bank till she attains majority, the first Appellant/Mother of the minor Claimants are permitted to withdraw the accrued interest once in three months for the welfare of the minor.

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

Sd/-
Assistant Registrar(CS-I)

//True copy//

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
The Principal District and Sessions Judge,
Ariyalur
2. The Section Officer,
V.R.Section, High Court, Madras.

+2ccs to Mr.R.Jayaprakash, Advocate SR.No.66752, 66753

+1cc to Mr.S.Kaithaimalai Kumaran, Advocate SR.No.66854

DATED : 14/12/2021

DECREE :

C.M.A.No.1572 of 2018

Allowing this Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accident Claims Tribunal, Principal District and Sessions Court, Ariyalur, made in MCOP.No.311 of 2015 dated 31.01.2018 etc., as stated within - No Costs.

CNR(CO)
GMY(06/04/2022)