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IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.2137 of 2018 & 1846 of 2021

C.M.A.Nos.2137 of 2018 & 1846 of 2021

1.R.Annapoorani,
2.R.Yogeswaran
3.R.Karthikkeyan

Minor Appellants 2 & 3 are
(Rep. by their mother R.Annapoorani
as NG., & N.F., first Respondent)

4.Bakkiyammal

.. Appellants in

C.M.A.No.2137 of 2018/ Respondents
1 to 4 in CMA.NO.1846 of 2021

Vs

1.B.Geetha

..1st Respondent in
CMA.NO.2137/18/5th Respondent
in CMA.NO.1846 of 2021

2.IFFCO TOKIO General Insurance Company Ltd.,
No:28, II Floor,
North Usman Road, T.Nagar,
Chennai 600 017.

...2nd Respondent
in CMA.NO.2137/18/appellant
in CMA.NO.1846 of 2021

COMMON PRAYER: These Appeals filed against the under section 173 of Motor Vehicle Act 1988, against the judgment and decree made in MCOP.No.792 of 2011 dated 11.10.2017 on the file of the Motor Accidents Claims Tribunal - II Additional District Judge Court, Tiruvallur at Poonamallee.

Decree:These Civil Miscellaneous Appeals coming on for hearing on this day and upon perusing the Grounds of Appeal , the order of the Lower court and upon hearing the arguments of Mr.Amar D.Pandiya, Advocate for the Appellants in CMA.NO.2137/18 and Respondent in CMA.NO.1846 of 2021 and of Mr.M.B.Raghavan, for M/s.M.B.Gopalan & Asso , Advocate for the Second respondent in CMA.NO.2137/18 and Appellant in CMA.NO.1846 of 2021 having been paid the Additional Court fee in respect of the enhanced award amount vide Sr.NO.24162 dated



19.08.2021 wherein the Appellant Amar M/s.D.Pandiya having deposited Rs.8,900/- as per directions of this Court while partly Allowing in CMA.NO.2137/18 and dismissing the CMA.NO.1846 of 2021, doth order and decree as follows:

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i)that the compensation amount is enhanced from Rs.17,52,417/- (Rs.Seventeen Lakhs Fifty Two Thousand Four Hundred and Seventeen Only) to Rs.27,42,000/- (Rupees twenty seven lakhs and forty two thousand only) with interest the rate of interest fixed by the Tribunal at the rate of 7.5% per annum be and hereby is confirmed.

ii)that out of the modified award amount wife of the deceased viz., Mrs.R.Annapoorani is entitled to get Rs.10,00,000/- (Rs.Ten Lakhs Only) sons of the deceased viz., R.Yogeswaran and R.Karthikeyan are entitled to get Rs.7,50,000/- (Rs.Seven Lakhs Fifty Thousand Only) each and mother of the deceased viz., Mrs.R.Bakkiyammal is entitled to get Rs.2,42,000/- (Rs.Two Lakhs Forty Two Thousand Only).

iii)that the minor claimants viz., R.Yogeswaran and R.Karthikeyan have attained majority. Therefore, this court suo motu declares the minor claimants as major and the guardian (mother) is discharged from her guardianship.

iv)that the Insurance company be and hereby is directed to deposit the entire award amount as per the modified award passed by this Court along with interest and costs, within a period of six weeks from the date of receipt of a copy of this order, after deducting the amount already deposited, if any.

v)that on such deposit being made, the Tribunal is directed to transfer the respective shares of the claimants with proportionate interest and costs to their respective bank accounts through RTGS within a period of one week thereon.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Presiding Officer,
II Additional District Court,
Motor Accident Claims Tribunal,
Tiruvallur at Poonamallee.



Copy to:
The Section Officer,
VR Section,
High Court, Madras

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+2 ccs to Mr. Amar D. Pandiya, Advocate Sr. NO. 32900, 32902

DATED: 13.07.2021

DECREE

C.M.A. Nos. 2137 of 2018
& 1846 of 2021

Partly allowing the C.M.A. No. 2137 of 2018 and dismissing the C.M.A. No. 1846 of 2021 both the appeals filed against the Motor Accident Claims Tribunal, II Additional District Judge Court, Tiruvallur at Poonamallee etc as stated within.

vsn II
A.SK (23.11.2021)