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IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.M.A.No.2144 of 2018

1.M.Mullaikodi

2.M.Nitya

...Appellants/Petitioners

.Vs.

1.M.Ranjithkumar

(R1 remained ex-parte before Tribunal.
Hence, notice to R1 is dispensed with)

2.United India Insurance Co. Ltd.,
Motor Third Party Claims Office,
Silingi Buildings,
No.134, Greenways Road,
Chennai - 6.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Award and Decree dated 25.04.2018 made in M.C.O.P.No.3401 of 2015 on the file of the Motor Accidents Claims Tribunal/Chief Judge, Small Causes Court, Chennai.

Decree: The Civil Miscellaneous Appeal coming on for hearing on this Thursday the Sixteenth Day of December Two Thousand and Twenty One, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.G.Balaji Prasad, Advocate for the Appellant and Mr.S.Arunkumar, Advocate for R2, R1 remained ex-parte before the Tribunal and that the appellants having paid the requisite Additional Court fee at the time of filing of this 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 the award of the Tribunal be and hereby is enhanced to Rs.4,31,167/-[Rupees Four Lakhs Thirty One Thousand One Hundred and Sixty Seven only] from Rs.3,64,500/- (Tribunal award) together with interest and costs;



2. That the compensation amount shall carry interest @ 7.5% per annum from the date of petition till the date of deposit.

3. That the second respondent/Insurance Company is be and hereby directed to deposit the enhanced amount now determined by this Court together with interest, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.3401 of 2015, on the file of the Motor Accidents Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

4. That on such deposit, the appellants/claimants are be and hereby permitted to withdraw their respective shares now awarded by this Court along with interest and costs, less the amount if any, already withdrawn, by making necessary application before the Tribunal. Since, this Court had enhanced the Compensation, the appellants/claimants are directed to pay necessary Court fee, if any, on the enhanced compensation awarded amount. In other aspects, the Award of the Tribunal shall stand confirmed.

5. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

ssi

To

1.The Motor Accident Claims Tribunal,
Chief Judge,
Small Causes Court,
Chennai.

2.The Section Officer,
V.R. Section,
High Court,
Madras - 104.

+1cc to M/s.S.Arunkumar, Advocate, Sr.No.67698

+1cc to M/s.G.Balaji Prasad, Advocate, Sr.No.67758



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DATED:16/12/2021

DECREE

C.M.A.No.2144 of 2018

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 25.04.2018 made in M.C.O.P.No.3401 of 2015 on the file of the Motor Accidents Claims Tribunal/Chief Judge, Small Causes Court, Chennai. etc., as stated therein.

AJB (CO)
RN (11/04/2022)