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IN THE HIGH COURT OF JUDICATURE AT MADRAS
WEDNESDAY, THE TWENTY ONE DAY OF APRIL TWO
THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.4162 of 2019

1.Jayanthi
2.Radhakrishnan
3.Minor Sonia Gandhi
(Minor represented her mother and
next friend Mrs.Jayanthi) ... Appellants

Vs.

1. D.Ganesan
2. National Insurance Company Limited,
(Motor Third Party Cell),
No.751, Anna Salai, 3rd Floor,
Chennai - 600 002. ... Respondents

Prayer:

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 05.07.2016 made in M.A.C.T.O.P.No.3531 of 2014, on the file of the Motor Accident Claims Tribunal IVth Court of Small Causes, Chennai.

Order: This Appeal coming on for hearing on this day upon perusing the grounds of petition the order of the Lower Court and upon hearing the arguments of M/s.A.Subadra Advocate for the Appellant and Mr.J.Chandran Advocate for Second Respondent and non appeared for 1st respondent either advocate or person have paid the Additional court -fees in respect of the enhanced award amount vide Sr No.1207 dated 10/01/2022 wherein the Appellant M.Malar having deposited Rs.3,400/- (Rupees Three Thousands four hundred) award amount as per directions of this Court in C.M.A.No.4162 of 2019 dated 21/04/2021 this Court party allowing this Civil Miscellaneous Appeal, doth order and decree as follows:-



1. that the compensation award amount is enhanced from 14,46,000-00 (Rupees fourteen lakhs forty six thousands) to Rs.20,40,000-00 (Rupees Twenty lakhs forty thousands)
- 2.that the 2nd respondent-Insurance Company is be and hereby is directed to deposit the enhanced amount now determined by this Court together with interest at 7.5% per annum from the date of the claim petition till the date of deposit to the credit of MCOP No.3531 of 2014 before the Motor Accidents Claims Tribunal, IVth Court of Small Causes, Chennai, less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment. "
- 3.that on such deposit being made by the 2nd respondent - Insurance Company, the 1st and 2nd appellants are permitted to withdraw their respective shares in the same proportion as was ordered by the Tribunal, together with interest accrued thereon, less any amount already withdrawn, by filing a suitable application before the Tribunal.
4. that the 3rd appellant was aged about 17 years at the time of filing of the claim petition in 2013. Since the 3rd appellant would have attained the age of majority, she is permitted to file appropriate application before the Tribunal for recording the age of majority to withdraw her share. The Tribunal shall thereafter allow the 3rd appellant to withdraw her share.
- 5.That there be no order as to Costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

drl

To:

The Motor Accidents Claims Tribunal,
IV Court of Small Causes,
Chennai.

Copy to

The Section Officer,
VR Section,
High Court, Madras.



+1cc to Mr.J.Chandran, Advocate, S.R.No.25095

+1cc to M/s.A.Subadra, Advocate, S.R.No.24624

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C.M.A.No.4162 of 2019

DATED : 21/04/2021

Nature of the decre:-

Partly allowing this Civil Miscellaneous Appeal filed against Motor Accident Claims Tribunal IVth Court of Small Causes, Chennai dated 05.07.2016 against M.A.C.T.O.P.No.3531 of 2014, etc. as stated within.

VSN-II[co]
CT 10/06/2022