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IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE TWENTY EIGHTH DAY OF APRIL  
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.Nos.1692 of 2020 & 1309 of 2021

C.M.A.No.1692 of 2020

1. Gangulamma  
W/o.Chalapathi
2. Madhusudan  
S/o.Late Chalapathi
3. Srikanth  
S/o.Late Chalapathi
4. Rajesh  
S/o.Late Chalapathi

... Appellants in CMA 1692 of 2020/Petitioners

... Petitioners in CMA 1309 of 2021/Petitioners

VS.

1. Mokkala Bharathi

.. 1<sup>st</sup> Respondent in C.M.A 1692/2020 and  
5<sup>th</sup> Respondent in C.M.A 1309 of 2021/  
1<sup>st</sup> Respondent

2. M/s.IFFCO TOKIO General Insurance Company Limited,  
Having its Office at  
No.28, 1<sup>st</sup> and 2<sup>nd</sup> Floor,  
North Usman Road,  
T.Nagar, Chennai-600 017.

... Appellant in C.M.A No.1309/2021 and  
2<sup>nd</sup> Respondent in C.M.A No.1692/2020  
/II Respondent

Prayer in both C.M.As: Civil Miscellaneous Appeals against the Judgment and Decree dated 28.11.2019 made in M.C.O.P.No.1012 of 2015, on the file of the Motor Accidents Claims Tribunal, IV Additional District Court, Ponneri.

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



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Ms.A.Subadra for Mr.K.M.Ramesh Advocate for appellants in C.M.A 1692/20 and for 1 to 4 Respondents in C.M.A 1309 of 2021 of Mr.J.Michael Visuvasam advocate for appellant in C.M.A 1309 of 2021 and for 2<sup>nd</sup> Respondent in C.M.A 1692/2020 and first respondent in C.M.A 1692/2020 exparte before the tribunal and the appellants in C.M.A 1692/2020 and respondents 1 to 4 in C.M.A 1309/2021 have paid the necessary court fee for the enhanced compensation (under USR 24285) and this court while allowing the C.M.A No.1692/2020 in part and dismissing the C.M.A No.1309/2021 doth order and decree as follows.

1. That the award amount of compensation passed by the tribunal be and hereby is enhanced to Rs.18,93,000/- (Rupees Eighteen Lakhs Ninety Three Thousand only) from 13,52,500.

2. That the 2<sup>nd</sup> respondent and appellant in C.M.A No.1309 of 2021 and C.M.A No.1692 of 2020/Insurance Company be and hereby is directed to deposit the enhanced award amount of compensation of Rs.18,93,000/- now determined by this Court together with interest at 7.5% p.a. from the date of the claim petition till the date of deposit to the credit of M.C.O.P.No.1012 of 2015 on the file of the Motor Accidents Claims Tribunal, (IV Additional District Court) Ponneri, 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 the respondents 1 to 4 in C.M.A No.1309 of 2021 and appellants in C.M.A No.1692 of 2020/Claimants be and hereby are permitted to withdraw their respective shares in the same proportion as was ordered by the Tribunal, together with interest accrued thereon, less the amount already withdrawn by filing suitable application before the Tribunal.

4. That there be no costs in these Civil Miscellaneous Appeal.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb



To:

The Motor Accidents Claims Tribunal,  
IV Additional District Court, Ponneri.

Copy to

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

+1 cc to M/S.M.Malar, Advocate Sr.NO.25915

+1 cc to Mr.J.Michael Visuvasam, Advocate Sr.No. 25938

Dated: 28/04/2021

DECREE

C.M.A.Nos.1692 of 2020 &  
1309 of 2021

While partly allowing  
in C.M.A No.1692 of 2020 and  
dismissing in C.M.A 1309 of  
2021 These Appeals against the  
Judgment and Decree dated  
28.11.2019 made in  
M.C.O.P.No.1012 of 2015, on the  
file of the Motor Accidents  
Claims Tribunal, IV Additional  
District Court, Ponneri.

SJ(CO)

BVC(21.10.2021)