

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. Nos.3086 OF 2014 AND
C.M.A.No.3605 of 2014

1.Jothi
2.Varadharajan
3.Rajesh

4.Minor Saravanan
(Rep. By his mother, Jothi as NG & NF) .. Appellants/Petitioners
CMA.3086 of 2014
... Respondents 1 to 4/Petitioner in
CMA.No.3604 of 2014

Vs.

1.M/s.Niruban Wood Furniture,
No.1/1, 6th Street,
Gopal Reddy Nagar,
Korukkupet, Chennai. ... 1st Respondent/1st Respondent in
CMA.No.3086 of 2014
... 5th Respondent /1st Respondent in
CMA.No.3605 of 2014

2.M/s.New India Assurance Co. Ltd.,
251, T.H. Road,
Thiruvottiyur,
Chennai 600 021. ... 2nd Respondent/2nd Respondent in
CMA.No.3086 of 2014
... Appellant / 2nd Respondent in
CMA.No.3605 of 2014

Common Prayer: Appeal against the Order of the Motor Accident
Claims Tribunal, The Chief Judge, Small Causes Court, Chennai
dated 21/04/2014 and made in MCOP.No.1787 of 2010.

DECREE:These Appeals coming on for hearing on this day, upon
perusing the grounds of Appeals the Judgment and decree of the
Lower Court and the material papers in this case and upon
hearing the arguments of Mr.F.Terry Chella Raja, Advocate for
M/s.V.Velu, Advocate for the Appellants in CMA.No.3086 of 2014

and Respondents 1 and 4 in CMA.No.3605 of 2014 and of Mr.J.Chandran, Advocate for Second Respondent in CMA.No.3086/2014 and Appellant in CMA.No.3605 of 2014 and Notice having been served on Second respondent in CMA.No.3086/2014 and not appeared either in person or through Counsel and steps not having been to serve the notice to the fifth Respondent in CMA.No.3605 of 2014 while dismissing the Civil Miscellaneous Appeal filed by the Insurance company in CMA.3605/2014 and allowing the Civil Miscellaneous Appeal in part filed by the Claimant and in modification of the award of the Tribunal below, doth order and decree as follows:-

1)That the Compensation as awarded by the Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai dated 21/04/2014 made in MCOP.No.1787 of 2010 be and hereby modified by enhancing the award of compensation from Rs.5,80,000/- (Rupees Five Lakhs eighty Thousand only) to Rs.12,09,000/- (Rupees Twelve Lakhs and Nine Thousand only) along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

ii)That the Respondents 1 and 2 herein/Owner of the Tata ACE and Insurance Company be and hereby are jointly and severally directed to deposit the award amount now determined by this Court along with interest and costs, within a period of eight (8) weeks from the date of receipt of a copy of this Judgement to the credit of MCOP.No.1787 of 2010.

iii)that on such deposit being made Appellants 1 & 2/Claimants 1 & 2 are permitted to withdraw the enhanced their share of the award amount now determined by this Court, along with proportionate interest and costs, after adjusting the amount, if any, already withdrawn by filing necessary applications before the Tribunal.

iv)that the Appeal is dismissed as against the Claimants 3 and 4/Appellants 3 and 4 herein.

v)that there be no order as to cost in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gsa

To

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

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

+1cc to Mr.V.Velu, Advocate SR.No. 64063

+1cc to Mr.J.Chandran, Advocate SR.No. 64015

DATED: 03/12/2021

DECREE:

CMA.NO.3086 OF 2014

AND

CMA.NO.3605 OF 2014

Allowing the Civil Miscellaneous Appeal in part filed by the claimants and dismissing the Civil Miscellaneous Appeal filed by the Insurance Company preferred against the Judgment and decree on the file of the Motor Accident Claims Tribunal, The Chief Judge, Small Causes Court, Chennai dated 21/04/2014 made in MCOP.No.1787 of 2010 etc., as stated within.

VBM(CO)
GN(17/03/2022)