



IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1987 of 2020

Nagarajan .. Appellant/ Petitioner

Vs.

1.Bala & Balamurugan

(R1 remained exparte before the Tribunal)

2.Gunasekaran

3.The New India Assurance Co. Ltd.,

Karaikal, Rep. By its Branch Manager,

Having Office at 1st Floor,

MAJ Appartments, No.149, Bharathiar Road,

Karaikal town and District Munsifi.

.. Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 23.03.2020, made in M.C.O.P. No.84 of 2014, on the file of the District Judge, (Motor Accident Claims Tribunal) Karaikal.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal , the order of the Lower court and the material papers in the case and upon hearing the arguments of Mr.K.Varadhakamaraj,Advocate for the Appellant and of Mr.J. Chandran , Advocate for the Third respondent and wherein the 1st & 2nd Respondents having set exparte in Lower Court itself wherein the Appellant/ Petitioner having been paid the Additional Court fees in respect of the enhanced award amount while allowing of the Civil Miscellaneous Appeal itself and this court while allowing this Civil Miscellaneous Appeal in part by modifying the award of the Tribunal,doth order and decree as follows:

i)that the award of the Tribunal be and hereby is enhanced to Rs.2,40,500/-(Rs.Two Lakhs Forty Thousand Five Hundred Only) from Rs.1,63,750/-(Rs.One Lakh Sixty Three Thousand Seven Hundred and Fifty Only) (Tribunal award) together with interest and costs.



ii)that the compensation amount shall carry interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

iii)that the 3rd respondent herein/Insurance Company be and hereby is directed to deposit the award amount, now determined by this Court, along with interest and costs, jointly and severally, 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.84 of 2014.

iv)that on such deposit being made, the appellant herein/Claimant shall be permitted to withdraw the enhanced award amount, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Judge,
(Motor Accident Claims Tribunal), Karaikal.

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

+1 cc to Mr.K.Varadhakamaraj, Advocate Sr.NO.997

+1 cc to Mr.J. Chandran , Advocate Sr.NO. 873

DATED:07.01.2021

DECREE

C.M.A.No.1987 of 2020

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 23.03.2020, made in M.C.O.P. No.84 of 2014, on the file of the District Judge, (Motor Accident Claims Tribunal) Karaikal etc as stated within.

CA(CO)
A.SK(28.10.2021)