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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

HONOURABLE MR. JUSTICE R. SUBBIAH
AND
HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.3149 of 2019

N.Vanaja

..Appellant/Petitioner

Vs.

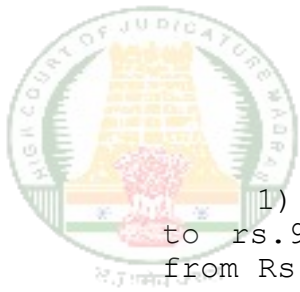
1. Purion Distilled Water Pvt Ltd.,
P.No.B4/20, Industrial Estate,
Telephone Exchange Back Side,
Maraimalainagar, Kancheepuram - 603 209.

2. The New India Assurance Co. Ltd.,
No.223, NSC Bose Road,
LIC Building 6th Floor, Chennai - I.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 02.04.2019 in M.C.O.P.No.7100 of 2016 on the file of the Motor Accident Claims Tribunal, II Judge, Small Causes Court, Chennai.

Decree : This Civil Miscellaneous Appeal coming hearing on Friday Nineteenth day of February 2021 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.M.P.Thangavel, Advocate for the Appellant and of Mrs.R.Srividhya, Advocate for the Second Respondent, wherein first Respondent having set exparte in Lower Court itself wherein the appellant have paid the Additional Court Fees in respect of the enhanced award amount vide SR.No.16592 dated 28.06.2021 Rs.2,933/- wherein the Appellant and having stood over for consideration till this day, 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.9,71,000/- (Rupees Nine lakhs seventy one thousand only) from Rs.6,04,600/- (Tribunal award);

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2) that the 2nd Respondent herein/Insurance Company be and hereby is directed to deposit the amount, now determined by this Court to the credit of M.C.O.P.No.7100 of 2016, on the file of the Motor Accident Claims Tribunal, II Judge, City Civil Court, Chennai, with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit along with costs if any as awarded by the Tribunal, through RTGS or NEFT method after adjusting the amount, if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.

3) that on such deposit having made the appellant/claimant shall be entitled to withdraw the award amount with accrued interest.

4) that the appellant herein/claimant shall be entitled to withdraw the award amount with accrued interest.

Sd/-
Assistant Registrar(CJ Conf)

//True copy//

Sub Assistant Registrar

To

The II Judge,
The Motor Accident Claims Tribunal,
City Civil Court, Chennai.

Copy To

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

+1cc to Mrs.R.Srividhya, Advocate SR.No.14257

+1cc to Mr.M.P.Thangavel, Advocate SR.No.14507



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DATED : 05/03/2021

DECREE :

C.M.A.No.3149 of 2019

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 02.04.2019 in M.C.O.P.No.7100 of 2016 on the file of the Motor Accident Claims Tribunal, II Judge, Small Causes Court, Chennai, etc., as stated therein.

VG II(CO)
GMY(21/10/2021)