



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
WEDNESDAY THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.M.A.No.2366 of 2017

1.Mohammed Ismail S/o.Kaja Mohideen
2.Khateeja W/o.Mohammed Ismail .. Appellants/Petitioners

Vs.

1.S.Christopher
2.United India Insurance Company Ltd,
Siligi Building New No.134, Old No.40-45,
Greams Road, Chennai-6. .. Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 05.04.2017 made in M.C.O.P.No.7255 of 2014 on the file of the Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers int his ase and upon hearing the arguments of Mrs.Ramya V.Rao, Advocate for the Appellants and of Mr.A.Dhiraviyanathan, Advocte for the Second Respondent and steps not having been taken to same notice to the 1st Respondent wherein the Appellants/Petitioners have paid the Additional Court Fees in respect of the enahcned award amount vide SR.No.1668 and 3395 dated 12.01.2022 and 31.01.2022 respectively and 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.23,93,000/- (Rupees Twenty three lakhs and ninety three thousand only) from Rs.10,16,000/- (Rupees ten lakhs and sixteen thousand only) (Tribunal award) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit;

2) that the second respondent herein/Insurance Company be and hereby is directed to deposit the enhanced award amount now



determined by this Court along with interest and costs, less the amount already deposited, if any, 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 appellants herein/claimants be and hereby are permitted to withdraw their respective share of the enhanced award amount as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal.

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

Sd/-

Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

To

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

Copy To

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

+2ccs to Mrs.Ramya V.Rao, Advocate SR.No.69494

DATED : 22/12/2021

DECREE :

C.M.A.No.2366 of 2017

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 05.04.2017 made in M.C.O.P.No.7255 of 2014 on the file of the Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai, etc., as stated therein.

SPD(CO)
GMY(02/02/2022)