



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.817 of 2017

M.Malar

...Appellant/Claimant

Vs

1.K.Balaji

2.The Oriental Insurance Company Ltd.,
Motor III Party Claims Office,
Jawaharlal Nehru Salai, Oil Mill Stop,
State Bank of India Upstairs, Thiruvallur,
Thiruvallur District. ...Respondents/ Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accidents Claims Tribunal, II Additional District Judge, Poonamallee dated 31.10.2013 made in M.C.O.P. No.375 of 2004.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal , the judgment and decree of the Tribunal record and upon hearing the arguments of Mr.J.Mahalingam,Advocate for the Appellant and of Mr.S.Arunkumar , Advocate for the Second respondent and the first Respondent remained set exparte before the Tribunal and this Court while allowing this Civil Miscellaneous Appeal in part,doth order and decree as follows:

i)that the compensation award amount passed by the Motor Accidents Claims Tribunal, II Additional District Judge, Poonamallee dated 31.10.2013 made in M.C.O.P. No.375 of 2004 be and hereby is enhanced to Rs.1,00,250/- (Rs.One Lakh Two Hundred and Fifty Only) from Rs.85,250/- (Rs.Eighty Five Thousand Two Hundred and Fifty Only).

ii)that the Second Respondent herein/Insurance Company be and hereby is directed to deposit the amount with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, (excluding the default period), within a period of eight weeks from the date of receipt of a copy of this judgment.



iii)that on such deposit being made, the Appellant herein/claimant be and hereby is permitted to withdraw the same on appropriate application.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal
II Additional District Judge,
Poonamallee.

Copy to:
The Section Officer,
VR Section,
High Court, Madras

+1 cc to Mr.S.Arunkumar , Advocate Sr.NO. 21660

DATED:31.03.2021
DECREE

CMA NO.817 of 2017

Allowing the appeal in part against the judgment and decree passed by the Motor Accidents Claims Tribunal, II Additional District Judge, Poonamallee dated 31.10.2013 made in M.C.O.P. No.375 of 2004 etc as stated within.

LN (CO)
A.SK(10.11.2021)