



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the twenty fifth day of November Two Thousand Twenty One
PRESENT

THE HONOURABLE MRS.JUSTICE S.ANANTHI
CMA(MD)No.565 of 2018

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1.P.Ramakrishnan
2.R.Chinnammal
3.Minor Dhanapriya
(Represented by her father, the first appellant herein)

... Appellants/Petitioners
vs.

1.K.N.Subbiah

2.The Deputy Manager,
M/s.New India Assurance Company Limited,
TP/HUB/248 B, Kamarajar Salai, Madurai.

... Respondents/Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to modify the fair and decreetal order dated 17.02.2017 passed in MCOP.No.273/2015 on the file of the Motor Accident Claims Tribunal, Special District Court, Madurai by enhancing the award amount.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mrs.S.Vijayashanthi, for M/S.R.Sureshkumar Advocate for the Appellant, Mrs.P.Malini, Advocate for the 2nd Respondent and the 1st Respondent not appeared in person or through Counsel, this Court while allowing this Appeal doth order and decree as follows:-

(i)that the compensation awarded by the Tribunal is enhanced from Rs.6,05,000/- to Rs.16,47,000/- (Rupees sixteen lakhs fourty seven thousand only) with interest at the rate of 7.5% per annum.

(ii)that the appellants/claimants are directed to pay court fee for the enhanced compensation amount, if any.

(iii)that the second respondent is directed to deposit the enhanced compensation amount i.e., Rs.16,47,000/- (less the amount already deposited, if any) together with interest at the rate of 7.5% per annum from the date of claim petition to the date of deposit to the credit of MCOP.No.273 of 2015



on the file of the Motor Accidents Claims Tribunal, Special District Court, Madurai within a period of eight weeks from the date of receipt of a copy of this order.

(iv)that on such deposit being made, the appellants 1 and 2 are at liberty to withdraw the same after following due process of law.

(v)that the apportionment granted by the Tribunal shall be kept intact.

(vi)that the share of the minor second appellant shall be deposited in any one of the nationalized Banks, till she attains majority.

(vii)that the first appellant/father and guardian of the minor second appellant is permitted to withdraw the interest from the above said deposit, once in three months directly from the Bank and utilize the same for the welfare of the child.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal,
Special District Court, Madurai.

Copy to:

1) The Sub Assistant Registrar(Co.Section),
Madurai Bench of Madras High Court, Madurai.

2) The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.S. VIJAYASHANTHI, Advocate (SR-35822[F] dated 25/11/2021)

+1 CC to M/s.P. MALINI, Advocate (SR-36093[F] dated 26/11/2021)



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CMA(MD)No.565 of 2018

ORDER DATED : 25/11/2021

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DECREE

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CMA(MD). No.565 of 2018

Allowing the Civil Miscellaneous Appal filed against the fair and decreetal order dated 17.02.2017 in MCOP.No.273/2015 on the file of the Motor Accident Claims Tribunal, Special District Court, Madurai

RD(04.03.2022) 3P 7C