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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.2235 and 2236 of 2016

Shriram General Insurance Co. Ltd.,
No.66, II Floor, City Centre Complex,
Thirumalai Pillai Road,
T.Nagar, Chennai - 17.

... Appellant in C.M.A.No.2235 of 2016 and
Respondent 2 in C.M.A.No.2236 of 2016

Vs.

1.Subbulakshmi
2.Minor Prabhu
3.Minor Dinesh Kumar
(R2 and R3 declared as major vide
Judgment dated 11.03.2022)

4.Lourdhumary ...1st to 2nd Respondent in
C.M.A.No.2235 of 2016 and
Appellants in C.M.A.No.2236 of 2016

5.Ravichandran
... Respondent in C.M.A.No.2235 of 2016
and Respondent NO.1 in C.M.A.No.2236 of 2016

(R2 and Appellant NO.2 declared as major vide
Judgment dated 11.03.2022 in C.M.A.No.2235 of 2016 and
C.M.A.No.2236 of 2016 and R3 in C.M.A.No.2235 of 2016
declared as major vide Judgment dated 11.03.2022 and 3rd
appellant declared as major and his mother next friend
Subbulakshmi discharged from Guardianship vide Court order
dated 23.08.2021 in CMP Nos.12400 & 12404 of 2021 in
C.M.A.No.2236 of 2016)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173
of Motor Vehicles Act 1988 to set aside the Judgment and
Decree dated 21.01.2014 made in MCOP No.725 of 2011 on the
file of the Motor Accident Claims Tribunal (III Additional
District Court), Poonamallee.



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.S.Dhakshnamoorthy, Advocate for the Appellant in C.M.A.No.2235 of 2016 and Respondent 2 in in C.M.A.No.2236 of 2016 and of Mr.K.Varadhakamaraj, Advocate for the respondents NO.1 to 4 in in C.M.A.No.2235 of 2016 and for Appellants in in C.M.A.No.2236 of 2016 and R5 is not ready in Notice in in C.M.A.No.2235 of 2016 and the claimants having been paid the Additional Court fee at the time of filing the appeal itself(in C.M.A.No.2236 of 2016) this court while allowing this C.M.A.No.2236 of 2016 in part and dismissing the in C.M.A.No.2235 of 2016, doth order and decree as follows:

i) that the award by the Tribunal for Rs.16,02,500/- (Rs.Sixteen Lakhs Two Thousand Five Hundred Only) be and hereby is enhanced to Rs.18,23,000/- (Rs.Eighteen Lakhs Twenty Three Thousand Only).

ii) that out of which, the first claimant be and hereby is entitled to Rs.10,23,000/- (Rs.Ten Lakhs Twenty Three Thousand Only);

iii) that the claimants 2 and 3 be and hereby are entitled to Rs.4,00,000/- (Rs.Four Lakhs Only) each.

iv) that the Insurance Company be and hereby is directed to deposit the modified award with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment.

v) that on such deposit being made, the claimants 1, 2 & 3 be and hereby are permitted to withdraw their share, less the amount already withdrawn, if any, together with proportionate interest and costs.

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

Sd/-

Assistant Registrar(CCC)

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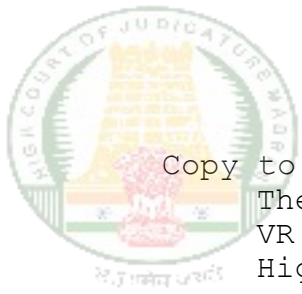
Sub Assistant Registrar

To

The Judge,

Motor Accident Claims Tribunal

(III Additional District Court), Poonamallee.



Copy to:

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

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+1 cc to Mr.K.Varadhakamaraj, Advocate Sr.NO. 16802

DATED:11.03.2022

DECREE

C.M.A.No.2235 and 2236 of 2016

Allowing the Civil Miscellaneous Appeal No.2236 of 2016 in part and dismissing the in C.M.A.No.2235 of 2016 preferred against the judgment and decree dated 21.01.2014 made in MCOP No.725 of 2011 on the file of the Motor Accident Claims Tribunal (III Additional District Court), Poonamallee etc as stated within.

SSV(CO)

A.SK(05/05/2022)