



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

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PRESENT

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

C.M.A.No.144 of 2018

1. Sellappan
2. Deivanai

... Appellants/Petitioners

Vs.

1. M/s.Siva Scented Betel Nut Company,
No.72, Dasthamal Lane,
Thanjavur Town and District.
2. The National Insurance Company Limited,
represented by its Branch Manager,
No.62, T.S.R.Big Street,
Kumbakonam Town & Taluk,
Thanjavur District.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Award and decree passed in M.C.O.P.No.203 of 2009, dated 31.01.2012, on the file of the Motor Accidents Claims Tribunal, District Court, Thiruvarur.

Decree : This Appeal coming on for hearing on this day 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.Thamizhavel, Counsel appearing for the Appellants herein and of Mr.S.Arunkumar, Counsel appearing for the Second Respondent herein and the Additional Court Fee have already been paid by the counsel for Appellants the enhanced amount at the time of filing of this appeal itself this Court observe the appellants herein/petitioners and not entitled to any interest for the delay period as per order of this Court and the Court while allowing the appeal in part and the modification of the award of the tribunal below doth order and decree as follows:

1) that the compensation awarded by the tribunal be and hereby is enhanced from Rs.4,50,000/- (Rupees Four lakhs fifty thousand only) to Rs.11,22,000/- (Rupees Eleven lakhs twenty two thousand only) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.



2) that the 2nd Respondent herein/Insurance Company do pay a sum of Rs.11,22,000/- as total compensation (Rupees Eleven lakhs twenty two thousand only) to Appellants herein/claimants.

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3) that the 2nd Respondent herein/Insurance Company be and hereby is directed to deposit the award amount, now determined by this Court, along with 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 to the credit of M.C.O.P.No.203 of 2009, on the file of the Motor Accidents Claims Tribunal, District Court, Tiruvarur.

4) that on such deposit being made the appellants herein/claimants be and hereby are permitted to withdraw the amount, now awarded by this Court as per the apportionment fixed by the Tribunal, along with proportionate interest and costs, as awarded by the Tribunal less the amount if any, already withdrawn by making necessary applications before the Tribunal.

5) that there shall be no order as to costs in this appeal.

Sd/-

Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
The District Judge,
Thiruvarur.

Copy To

The Section Officer,
VR Section,
Madras High Court.

+1cc to Mr.M.Thamizhavel, Advocate SR.No.9424

+1cc to Mr.S.Arunkumar, Advocate SR.No.9612



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DATED : 15/02/2022

DECREE :

CMA.No.144 of 2018

Allowing the appeal in part preferred against the judgment and decree dated 31.01.2012 made in M.C.O.P.No.203 of 2009, on the file of the Motor Accidents Claims Tribunal, District Court, Thiruvarur etc., as stated within.

BS (CO)
GMY (13/04/2022)