

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT:

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

C.M.A.No.1677 of 2018

1.Sada bi
2.H.Amir Jan
3.A.Mumtaj

... Appellants

Vs.

1.N.Selvakumar

2.The New India Assurance Company Ltd.,
Rep. by its Divisional Manager,
Divisional Office,
Bagalur Road,
Hosur.

... Respondents

PRAYER: Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 against the Common Judgment and Decree dated 22.09.2016 made in MCOP No.51 of 2014 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Krishnagiri.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on 20.04.2022, having stood over for consideration till date, upon perusing the grounds of Appeal the order of the Lower Court and Material papers in this case and upon hearing the arguments of Mr.S.Jayakumar, counsel for Mr.G.Muthu, Counsel for the Appellant and M/s.Elveera Ravindran, Counsel for respondent No.2 and not ready in notice with regard to respondent No.I, this Court while dismissing the Civil Miscellaneous Appeal, doth order and decree as follows:-

i)That the amount of Rs.11,31,200/- (Rupees Eleven Lakhs Thirty One Thousand and Two Hundred only) awarded in MCOP No.51 of 2014 be and hereby is enhanced to Rs.15,98,000/- (Rupees Fifteen Lakhs ninety eight Lakhs only).

ii)that out of the said enhanced compensation determined by this Court the Claimants be and hereby are entitled in the ratio of 50:30:20;

iii)That the rate of interest is fixed by the Tribunal as 7.5% per annum be and hereby is confirmed;

iv)That the Insurance Company be and hereby is directed to deposit the modified award amount 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, the claimants be and hereby are permitted to withdraw their respective share after filing a memo, along with a copy of this Judgment, less the amount if already withdrawn;

vi)That there be no order as to costs in this above Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(I)

//True Copy//

Sub Assistant Registrar

To

1.Motor Accident Claims Tribunal,
Additional District Judge,
Krishnagiri.

2.The Section Officer,
V.R.Section,
Madras High Court, Chennai.

+1cc to Mr.Elveera Ravindran, Advocate, S.R.No.28951
+1cc to Mr.G.Muthu, Advocate, S.R.No.28819

DATED:27/04/2022

DECREE:

CMA.NO.1677 OF 2018

Allowing the Civil Miscellaneous Appeal in part against the Common Judgment and Decree dated 22.09.2016 made in MCOP.No.51 of 2014 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Krishnagiri, as stated within.

SSV(CO)
GN(23/05/2022)