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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE TWENTY NINTH 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.Nos.2446 of 2021 & 165 of 2022

Dr.Prafulla ... Appellant in C.M.A.No.2446 of 2021 and
First Respondent in C.M.A. No.165 of 2022/
Petitioner in MCOP

Vs.

1.Sajeebai Balakrishnan

...1st Respondent in C.M.A.No.2446 of 2021 and
2nd Respondent in C.M.A. No.165 of 2022/
1st Respondent in MCOP

2.Pattayil KeeranghatPeyush

...2nd Respondent in C.M.A.No.2446 of 2021 and
3rd Respondent in C.M.A.No.165 of 2022/
2nd Respondent in MCOP

3.Bajaj Allianz General Insurance Co. Ltd.,
III Floor, Finance Tower,
Kaloor, Cochin.

...3rd Respondentin C.M.A.No.2446 of 2021 and
Appellant in C.M.A.No.165 of 2022/
3rd Respondent in MCOP

Prayer: Civil Miscellaneous Appeal filed against the award and
decree of the Motor Accident Claims Tribunal, Sub Court, Mahe
dated 23.04.2021 made in MACTOP No.10 of 2016.

Decree : These Civil Miscellaneous Appeal on for hearing on
Monday the Twenty Eight day of March, Two Thousand and Twenty
Two and upon perusing the grounds of Appeal, the award of the
Tribunal and material records in the case and upon hearing the
arguments of M/s.Gopika Nambiar, Advocate for the Appellant in
C.M.A.No.2446 of 2021 and 1st Respondent in C.M.A.No.165 of 2022,
and of Mr.J.Michael Visuvasam, Advocate for 3rd Respondent in
C.M.A.No.2446 of 2021 and Appellant in C.M.A.No.165 of 2022 and
1st and 2nd Respondents in C.M.A.No.2446 of 2021 and 2nd and 3rd
Respondents in C.M.A.No.165 of 2022, not appearing either in



person or by an Advocate and having stood over for consideration till this day this Court while allowing the C.M.A.No.2446 of 2021 in part and dismissing the C.M.A.No.165 of 2022 in partial modification of the Civil Miscellaneous Appeal No.2446 of 2021, doth order and decree as follows:

1) that the compensation awarded of the Tribunal be and hereby is enhanced to Rs.19,22,000/- (Rupees Nineteen lakhs and twenty two thousand only) from Rs.17,01,000/- (Rupees Seventeen lakhs and one thousand only) together with rate of interest as fixed by the Tribunal at 7.5% per annum;

2) that the 3rd Respondent in C.M.A.No.2446 of 2021, Appellant in C.M.A.No.165 of 2022/Insurnace 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;

3) that on such deposit being made the Appellant in C.M.A.No.2446 of 2021, Respondent in C.M.A.No.165 of 2022/claimant be and hereby is permitted to withdraw the modified amount along with interest and costs, less the amount if already withdrawn, if any;

4) that there be no order as to costs in these Civil Miscellaneous Appeals.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Motor Accident Claims Tribunal,
(Sub-Court), at Mahe.

Copy To

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

+1cc to Mr.J.Michael Visuvasam, Advocate SR.No.29848



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DATED : 29.04.2022

DECREE :

C.M.A.Nos.2446 of 2021 & 165 of 2022

Allowing the Civil Miscellaneous Appeal No.2446 of 2021 in part and dismissing the Civil Miscellaneous Appeal No.165 of 2022 preferred against the award and decree of the Motor Accident claims Tribunal, Sub Court at Mahe, dated 23.04.2021 made in MACTOP No.10 of 2016, etc., as stated within.

BR (CO)
GMY (25/05/2022)