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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.3154 of 2019

Ayisha @ Aisha

...Appellant/Petitioner

.vs.

1.R.Gajalakshmi

2.Future General Insurance Company Ltd.,
First Floor, North Wing,
No.192, Anna Salai,
Chennai-600 002.

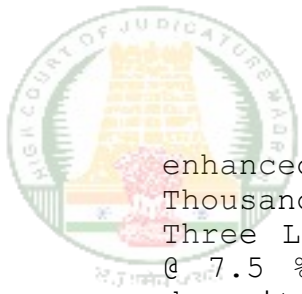
...Respondents/Respondents

(No relief sought for R1, Hence notice may be dispense within)

PRAYER: Appeal filed under section 173 of the Motor Vehicles Act, 1988 against the Decree and Judgment passed by the III Additional District Judge, Poonamallee, Tiruvallur District, dated 11.02.2019 made in M.C.O.P.No.1 of 2015.

Decree: This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the Decree and Judgment of the Lower Court and perusing the tribunal record, and upon hearing the arguments of Mr.M.Sivakumar, Advocate appearing for the appellant and of Mr.E.Rajadurai, Advocate for Mr.M.B.Gopalan Associates appearing for 2nd respondent and the first respondent though notice was served no one appear on behalf of her either by herself or by Advocate and the appellant having paid the additional Court fee for the enhanced compensation at the time of filing the CMA, this Court while allowing the appeal doth order and decree as follows:-

1. That the compensation award amount passed by the III Additional District Judge, Poonamallee, Tiruvallur District, dated 11/02/2019 made in M.C.O.P.No.1 of 2015 be and hereby is



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enhanced to Rs.59,37,088/- (Rupees Fifty Nine Lakhs Thirty Seven Thousand Eighty Eight Only) from Rs.53,15,008/- (Rupees Fifty Three Lakhs Fifteen Thousand Eight Only) together with interest @ 7.5 % per annum from the date of petition till the date of deposit.

2. That the 2nd respondent herein/Insurance Company be and hereby is directed to deposit the enhanced award amount of Rs.59,37,088/- (Rupees Fifty Nine Lakhs Thirty Seven Thousand Eighty Eight Only) to the credit of M.C.O.P.No.1 of 2015 on the file of the Motor Accident Claims Tribunal, III Additional District Court, Poonamallee, Tiruvallur District, together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of six weeks from the date of receipt of a copy of this Judgement.

3. That on such deposit being made, that the claimant herein/Appellant be and hereby is permitted to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn.

4. That there be no costs in this appeal.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssn

To

1. III Additional District Judge,
The Motor Accident Claims Tribunal,
Poonamallee,
Tiruvallur District.

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

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.17182



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DATED: 14.03.2022

DECREE:

C.M.A.No.3154 of 2019

Allowing the appeal preferred against the Decree and Judgment passed by the III Additional District Judge, Poonamallee, Tiruvallur District, dated 11/02/2019 made in M.C.O.P.No.1/2015 etc., as stated within.

EV (CO)
RN (12/04/2022)