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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE SEVENTH DAY OF JANUARY

TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA.No.2723 of 2021

1. Anjala
2. K.Kanimozhi
3. K.Thenmozhi (Minor) ... Appellants/Petitioners
(Minor 3rd Petitioner is represented
by her mother & Next Friend Mrs.Anjala)

Vs

1. S.Maheswaran
2. The New India Assurance Company Limited.,
Motor Third Party Cell
Bombay Mutual Building,
6th Floor, No.232, N.S.C. Bose Road
Chennai - 600 001.
... Respondents/Respondents

Prayer : Civil Miscellaneous Appeal against the decree and Judgment dated 17.12.2020 made in M.C.O.P.No. 186 of 2018 on the file of Motor Accident Claims Tribunal (II Small Causes Court), Chennai.

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 upon hearing the arguments of Mr.K.Varadhakamaraj, Advocate for the Appellants and of Mrs.S.R.Sumathy, Advocate for the Second respondent and the First Respondent Not appearing either in person or by an Advocate, this Court while allowing this Civil Miscellaneous Appeal in part doth order and decree as follows:

i) that the award of the Tribunal below be and hereby is enhanced from Rs.15,75,000/- (Rs.Fifteen Lakhs Seventy Five Thousand Only) to Rs.21,35,000/- (Rs.Twenty One Lakhs Thirty Five Thousand Only).



ii)that the first Claimant/Wife/First Appellant herein be and hereby is entitled to enhanced compensation of Rs.2,60,000/- (Rs.Two Lakhs Sixty Thousand Only) along with 7.5% from the date of petition till date of deposit.

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iii)that the claimants 2 and 3/2nd and 3rd Appellant herein each be and hereby is entitled to the enhanced compensation of Rs.1,50,000/- (Rs.One lakh Fifty Thousand Only) along with interest at 7.5% from the date of petition till date of deposit.

iv)that the Insurance Company/Second Respondent herein be and hereby directed to deposit the enhanced compensation with appropriate interest within a period of six weeks from today.

v)that on such deposit being made, the claimants 1 & 2 / Appellants 1 & 2 herien be and hereby entitled to withdraw their share of the enhanced compensation.

vi)that the share of the minor 3rd claimant/Claimant/3rd Appellant herein be and hereby directed to be kept in a interest bearing cumulative fixed deposit in a Nationalised Bank till she attains majority.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judge,
II Small Causes Court,
Motor Accident Claims Tribunal,
Chennai.

Copy to:
The Section Officer,
VR Section,
High Court, Madras.

+1 cc to Mr.K.Varadhakamaraj, Advocate Sr.NO. 1709



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DATED:07.01.2022
DECREE
CMA No.2723 of 2021

Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree dated 17.12.2020 made in M.C.O.P.No. 186 of 2018 on the file of Motor Accident Claims Tribunal (II Small Causes Court), Chennai etc as stated within.

ss (CO)
A.SK(16/06/2022)