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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.3318 of 2019

1. Mookkayee

2. Selvaraj

3. Sellammal

4. Mani

5. Malar

... Appellants/ Petitioners

vs.

1. P.Ambika

2. The Divisional Manager,

M/s.The National Insurance Co.Ltd.,

No.33, K.R.T.Buildings,

Promenade Road,

Tiruchirappalli - 620 001

... Respondents/ Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1989 against the award and decree in M.C.O.P.No.231 of 2013 dated 05.07.2019, on the file of the Motor Accident Claims Tribunal / Principal District Judge, Perambalur.

DECREE: This Civil Miscellaneous Appeal coming on for hearing as to admission 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.S.Kamadevan, Advocate for the Appellant and of Mr.E.C.Ramesh, Advocate for the 1st Respondent and Ms.R.Sree Vidhya, Advocate for the 2nd Respondent, and wherein the Appellant having been paid the Additional Court Fees in respect of the modified award amount while filing of this Civil Miscellaneous Appeal itself this Court while allowing the Civil Miscellaneous Appeal in part and in modification of the award of the Tribunal, doth order and decree as follows:

1.That the award and decree dated 05.07.2019 made in M.C.O.P.No.231 of 2013, on the file of Motor Accidents Claims Tribunal / Principal District Judge, Perambalur be and hereby is modified by enhancing the award of compensation from



Rs.5,15,000/- to Rs.6,76,500/- (Rupees six lakhs seventy six thousand and five hundred only); and the proportion of allocation of shares adopted by the Tribunal shall stand confirmed.

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2. That the second respondent herein/Insurance Company be and hereby is directed to deposit the said amount to the credit of M.C.O.P.No.231 of 2013 along with interest at the rate of 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 judgment;

3. On such deposit being made, that the Appellants herein/claimants be and hereby are entitled to withdraw the same forthwith and the proportion of allocation of shares adopted by the Tribunal shall stand confirmed;

4. That the second respondent herein/Insurance Company be and hereby is directed the amount paid to the claimant from the first respondent.

5. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Pincipal District Judge
Motor Accidents Claims Tribunal,
Perambalur.

Copy To:

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

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.12984
+1cc to Mr.E.C.Ramesh, Advocate, S.R.No.13447
+1cc to Mr.R.Sree Vidhya, Advocate, S.R.No.13262



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DATED: 28/02/2022

DECREE

C.M.A.No.3318 of 2019

Partly Allowing the Civil Miscellaneous Appeal preferred against the order and decree dated 05.07.2019 made in M.C.O.P.No.231 of 2013 on the file of Motor Accident Claims Tribunal / Principal District Judge, Perambalur District etc., as stated herein.

AJS (CO)
SB(21/04/2022)