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IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE THIRD DAY OF MARCH,
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.M.A.No.4109 of 2019

M.Jenifer

...Appellant/Petitioner

Vs

1.R.Kumaravel

...Respondent/Respondent I

2.M/s. Mohan Breweries & Distilleries Ltd., (As per permit)
No.12, MW BIO Mass Power Plant
Palayaseevaram, Kancheepuram - 631502.

(1st and 2nd Respondent Set-Exparte
in Lower Court proceedings
hence may be given up)

...Respondent/Respondent II

3.The Manager,
United India Insurance Co.Ltd.,
Third Party Claim Office,
134, Greams Road,
Chennai -6.

...Respondent/Respondent III

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award of the Motor Accidents Claims Tribunal, VI Judge, Small Causes Court, at Chennai and made in MACTOP.No.7753/2015 dated 26/04/2019 praying to set aside the same.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the order of the Lower Court and Material papers in this case and upon hearing the arguments of Mrs. P.T.Saleem Fathima, Advocate for the Appellant and Mrs.Rathna Thara, Counsel for the 3rd Respondent and the 1st and 2nd Respondents were set exparte in lower Court, hence notice may be given up, this Court, while allowing the Civil Miscellaneous Appeal in part, doth order and decree as follows:



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1. That the compensation of Rs.1,18,000/- (Rupees One Lakh and Eighteen Thousand Only) awarded by the Tribunal is hereby is enhanced to a sum of Rs.1,67,400/- (Rupees One Lakh Sixty Seven Thousand Four Hundred Only) together with interest @7.5% per annum from the date of petition till the date of deposit, that in all other aspects, the award of the Tribunal is confirmed.

2. That the Insurance Company be and hereby is directed to deposit the said amount of Rs.1,67,400/- (Rupees One Lakh Sixty Seven Thousand Four Hundred Only) to the credit of MCOP.No.7753 of 2015 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, the claimant 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.

-s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To

1. The VI Judge,
Court of Small Causes,
Chennai.

2. The Section Officer,
V.R.Section,
High Court of Madras
Chennai - 104

+1cc to Mrs. P.T.Saleem Fathima, Advocate, S.R.No.14914

+1cc to Mrs. R.Rathna Thara, Advocate, S.R.No.14451



ORDER DATED:03/03/2022

DECREE:

C.M.A.No.4109 of 2019

Allowing the Civil Miscellaneous Appeal in part, against the Judgement and decree dated 26.04.2019 made in MCOP No.7753 of 2015 on the file of the Motor Accidents Claim Tribunal, VI Court of Small Causes, Chennai, etc., as stated within.

GSM(CO)
RN(01/06/2022)