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C.M.A.No.3156 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.3156 of 2017

1.Kamalam (Died)

2.Prabu

3.Senbagadevi

...Appellants

Vs

1.The Correspondent,
Maruthi Hr. Secondary School,
Office at Manivilundan South,
Attur Taluk, Salem District.

2.The National Insurance Co. Ltd.,
Office at LRN Complex,
Sarada College Main Road,
Salem 7.

... Respondents

(Appellants 2 and 3 LR's of the deceased appellant 1 viz., Kamalam as per the memo dated 10.06.2022 and vide Court order dated 14.06.2022)



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Prayer: Civil Miscellaneous Appeal is filed under Section 173 (1) of the Motor Vehicles Act, 1988, against the order and Decreetal order dated 27.04.2015 made in M.C.O.P.No.80 of 2013 on the file of the Special District Court cum Motor Accident Tribunal, Salem.

For Appellants : Mr.P.Tamilvel

For Respondent 2: Mr.S.Vadivel

JUDGEMENT

The above appeal has been filed only on account of the calculation error, whereby, as against the sum of Rs.2,02,285.15/- under the head of Medical Expenses only a sum of Rs.1,17,200/- has been granted.

2. The learned counsel for the Insurance Company concedes that



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this amount has been omitted to be granted. Therefore, considering the very limited scope the award of the Tribunal is reworked as follows:

Loss of Income	Rs.3,36,000/-
Loss of Consortium	Rs.25,000/-
Loss of Love and Affection	Rs.40,000/-
Medical Expenses	Rs.2,02,285.15/-
Funeral Expenses	Rs.25,000/-
Total	Rs.6,28,285.15/-

3. The Civil Miscellaneous Appeal is allowed. The award of the Tribunal below is enhanced by a further sum of **Rs.85,085.15/-**. The Insurance company is directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgement, to the credit of M.C.O.P.No.80 of 2013. On such deposit, the claimants are permitted to withdraw the award amount, after adjusting the amount, if any, already withdrawn, by filing necessary



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application before the Tribunal. However, the claimants will not be entitled to the interest as directed by order dated 09.11.2017 in C.M.P.No.16324 of 2017. No costs.

27.06.2022

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Index : Yes/No
Speaking order/non-speaking order

To,
The Special District Court cum
Motor Accident Tribunal,
Salem

P.T.ASHA, J.,

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