

IN THE HIGH COURT OF JUDICATURE AT MADRAS
FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Civil Miscellaneous Appeal No.2443 of 2018

Anandan ...Appellant/Petitioner
Vs.

1.G.Vimala

[R1 remained ex-parte before the Tribunal.

2.The New India Assurance Company Ltd.,
45, Moore Street,
Chennai - 1.

...Respondents/Respondents

PRAYER:This Civil Miscellaneous Appeal filed against the judgment and decree dated 29.10.2014 made in M.C.O.P.No.1133 of 2010 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, Chennai.

Decree: This Civil Miscellaneous Appeal coming on for hearing on Tuesday the First day of February Two Thousand and Twenty Two and upon perusing the grounds of Appeal, the award of the Lower Court and material records in the case and upon hearing the arguments of Mr.Amar D.Pandiya, Advocate for the Appellant and of Mrs.R.Srividhya, Advocate for the 2nd Respondent and First Respondent not appearing either in person or by an Advocate and having stoodover for consideration till this day this court while allowing in part with modifying this Civil Miscellaneous Appeal doth order and decree as follows:

1.that the compensation amount awarded by the Tribunal be and hereby is enhanced from Rs.1,45,000/- (Rupees One Lakh Forty Five Thousand only) Rs.1,95,000/- (Rupees One Lakh and Ninty Five Thousand only)

2.that the Appellant herein/Claimant be and hereby is entitled to a total sum of Rs.1,95,000/- (Rupees One Lakh and Ninty Five Thousand only) towards compensation.

3.that the first Respondent/Owner of the car be and hereby is directed to deposit the award amount now determined by this court in this Appeal to the credit of the respective original petition before the Tribunal within a period of Eight weeks from the date of receipt of a copy of this judgment.

4.that on such deposit that the Appellant herein/Claimant be and hereby is permitted to withdraw the

compensation amount.

5.that the Appellant herein/Claimant be and hereby is not entitled to any interest for the delayed period as per the order of this court dated 30.10.2018 made in C.M.P.No.18605 of 2018 in C.M.A.No.2443 of 2018.

6.that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

ssi/rsh

To:

1. The Small Causes Judge,
Motor Accidents Claims Tribunal,
Chennai.
2. The Section Officer,
V.R.Section,
High Court, Chennai.

+1cc to Mrs.Sreevidhya, Advocate, S.R.No.24480

+1cc to M/s.Amar D.Pandiya, Advocate, S.R.No.24771

Dated:08.04.2022

Decree:

C.M.A.No.2443 of 2018

Partly Allowing with
modifying this Appeal
preferred against the
Judgment and decree dated
29.10.2014 made in
M.C.O.P.No.1133/2010 on the
file of the Motor Accidents
Claims Tribunal, Small
Causes Court, Chennai etc
as stated within.

BR(CO)
RGA(26/05/2022)