



C.M.A.No.734 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.734 of 2018

Kamatchi.

...Appellant

Vs

1.The Principal,
Arul Migu Thirupurasundari Amman Polytechnic College,
Sri Vedagreeswarar Education Trust,
Eagai Village, Puliur Post,
Thirukkazhukundram Taluk,
Kancheepuram District 603 109
(was set exparte in the trial Court)

2.The New India Assurance Co.Ltd,
No.45, Moore Street, 5th Floor,
Chennai 1

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award amount from Rs.10,000/- to claim of Rs.15,00,000/- with interest from the date of the petition i.e., 08.04.2015 and costs.



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For Appellant : Mr.N.M.Elumalai

For Respondents : R1-set exparte
Mr.G.Anandan for R2

JUDGMENT

This Civil Miscellaneous Appeal is filed to enhance the award amount from Rs.10,000/- to claim of Rs.15,00,000/- with interest from the date of the petition i.e., 08.04.2015.

2. The learned counsel appearing for the appellant would submit that in the present appeal, the challenge has been made against the award passed by the Tribunal with regard to the compensation of a sum of Rs.20,000/- under the head 'disability'.

3. He would further submit that due to the said accident, the appellant was suffered with many injuries at various parts of the body. He would also submit that at the time of accident, the appellant only had the learners' license and since she had not possessed a valid license at the time of accident, the Tribunal fixed the contributory negligence on part of the appellant as 50% and



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hence, the said Rs.20,000/- awarded by the Tribunal stands reduced to Rs.10,000/-. Accordingly, the compensation was awarded only for a sum of Rs.10,000/-.

4. When this matter was taken up for hearing, this Court suggested to pay the compensation of a sum of Rs.20,000/- in addition to the award amount of Rs.10,000/- to the appellant and the learned counsel for the respondent had also fairly agreed to the said amount. Further, he would submit that the interest awarded by the tribunal was at the rate of 9% per annum. Therefore, he would request to reduce the same to the rate of 7.5% per annum.

5. Hence, upon hearing and considering the submissions made by both the learned counsel, the award amount of Rs.10,000/- stands increased to Rs.30,000/- and the interest was reduced from the rate of 9% per annum to 7.5% per annum. Accordingly, to the aforesaid extent, the award passed by the Tribunal stands modified. With regard to all other aspects, the award stands confirmed.



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6. In the result, this Civil Miscellaneous Appeal is partly allowed and hereby the interest rate awarded by the Tribunal as 9% is reduced to 7.5%. The second respondent/insurance company is directed to deposit a sum of Rs.30,000/- along with 7.5% interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.4362 of 2015 on the file of the Motor Accident Claims Tribunal, II Court, Chennai. The Tribunal is directed to transfer the entire amount to the claimant by way of RTGS, within a period of two weeks from the deposit or from the date of receipt of the Bank details obtained for the claimant or application for withdrawal from the claimant, whichever is later. No costs.

04.07.2023
(2/2)

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
nsa

To:

The Motor Accident Claims Tribunal,
II Court, Chennai.

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KRISHNAN RAMASAMY,J.

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