

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.1623 of 2003
and C.M.P.No.10454 of 2003

M/s.National Insurance Co. Ltd.,
Vellore, represented by its
Managing Director ... Appellant/Respondent

vs.

1.Padmavathy
2.Minor Mohanarangan
represented by his father
and next friend Mr.V.Srinivasan ... Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against judgment and decree passed in MCOP No.455 of 1996 on the file of Motor Accident Claims Tribunal, Additional District Judge, Vellore, dated 01.02.2002.

For Appellant : Mrs.Kala Ramesh

JUDGMENT

The appeal has been preferred by the Insurance Company against the award of Rs.74,500/- to the 1st respondent on the ground that the Tribunal awarded interest for the period from 28.03.1998 to 08.11.2001, during which period, the claim petition was dismissed for default.

3. Heard the learned counsel for the appellant. He would submit that the claim petition was dismissed for default for the fault of the 1st respondent on 28.03.1998 and the same was restored on 08.11.2001. Without excluding that period, the entire period was awarded interest. However, considering the fact that only a sum of Rs.74,500/- was awarded for 35% disability sustained by the first respondent and also considering the award was passed as early as on 01.02.2002, 12 years have gone, it is appropriate to sustain the award passed by the Tribunal. Hence, the appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

4. The appellant/Insurance Company is directed to deposit the entire amount along with interest and costs, after adjusting the amount if any already deposited, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the 1st respondent is permitted to withdraw the entire amount with accrued interest, after adjusting the amount if any already withdrawn, within one week thereafter.

-s/d-

Assistant Registrar(J)

Dt:6/3/2015

True Copy

Sub-Assistant Registrar

To

The Motor Accident Claims Tribunal,
Additional District Judge, Vellore.

+ 1 cc to Mrs.Kala Ramesh, Advocate SR 5978

tej(co)
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