



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)**

**Thursday, the Twelfth day of August Two Thousand and Twenty One
PRESENT**

THE HON'BLE MRS.JUSTICE R.THARANI

CMA(MD) .No.766 of 2016

WEB COPY

The Branch Manager,
The New India Assurance Company Limited,
No.85-B, Market Road,
Tanjore.

...Appellant/2nd Respondent

Vs

1.Santhana Krishnan

...1st Respondent /Petitioner

2.Ramesh

... 2nd Respondent/1st Respondent

Prayer:-

Civil miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Award dated 02.12.2015 made in M.C.O.P.No.284 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Thanjavur.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on the Monday the Nineteenth day of July Two Thousand and Twenty one upon perusing the Grounds of Appeal, the Award of the Motor Accidents Claims Tribunal/Special Sub Court, Thanjavur and the material records of this case and upon hearing the arguments of M/s.A.Ilango Advocate for the Appellant and of M/s.Anandan Advocate for the First Respondent the Second Respondent having not appeared either in person or through his Counsel, this Court, while allowing the Appeal, having stood over the matter for consideration till this date, doth order and decree as follows:-

1.That the First Respondent be and hereby is entitled to a sum of Rs.92,272/- (Rupees Ninety two thousand two hundred and seventy two only) as compensation with interest at the rate of 7.5% from the date of claim petition till the date of realization.

2.That the Second Respondent be and hereby is directed to deposit the above said amount, if not deposited earlier, within a period of eight weeks from the date of receipt of copy of this order.

3.That on such deposit being made the Claimant/1st Respondent be and hereby is permitted to withdraw the award amount after deducting any amount received by him earlier.



4.That the Tribunal be and hereby is directed to refund the excess amount, if any, to the **(*)Appellant.**

5.That the Claimant/1st Respondent be and hereby is not entitled to the interest for the default period, if any.

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

Sd/-

Assistant Registrar (CS-III)

**(*)Amended as per order of this
Hon'ble Court dated 14.12.2021
made in CMA(MD)No.766 of 2016**

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

**(*)To be Substituted the order already despatched
on 04.10.2021**

The Special Sub Judge,
The Special Sub Court,
Motor Accidents Claims Tribunal,
Thanjavur.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)



WEB COPY

CMA(MD).No.766 of 2016

ORDER DATED : 12/08/2021

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DECREE

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CMA(MD).No.766 of 2016

Nature of Decree:-

Allowing the Civil Miscellaneous Appeal Preferred against the Judgment and Decree of the Motor Accidents Claims Tribunal, Special Sub Court/Motor Accident Claims Tribunal, Thanjavur dated 02.12.2015 made in MCOP No.284 of 2014 and giving directions etc. as stated therein.

RK (29.09.2021) 3P 4C
ES (CO)
GC (03.01.2022) 3P 4C