

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22/3/2017

C O R A M

The Honourable Mr.Justice S.Manikumar
and
The Honourable Mr.Justice M.Govindaraj

Civil Miscellaneous Appeal No.2575 of 2016

Cholamandalam MS General Insurance Co.Ltd.,
Waheeja Corporate Centre
III Floor, No.1 Village Road
Nungambakkam
Chennai 34.

...

Vs

1. Nishanth

2. Prasanth

....

Respondents

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 15/04/2016 made in MCOP No.1071 of 2012 on the file of the Motor accident Claims Tribunal, II Court of Small Causes, Chennai.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : Mr.B.Mohan Raj

J U D G M E N T

(Judgment of the Court was made by S.Manikumar,)

Being aggrieved by the quantum of compensation of Rs.16,12,000/-, with interest, at the rate of of 7.5% p.a., from the date of claim till realization, awarded in M.C.O.P.No.1071 of 2012, dated 15/4/2016, on the file of the Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai, M/s. Cholamandalam Ms General Insurance Co Ltd., Chennai, has filed the instant appeal, on the grounds inter alia that the quantum of compensation awarded under certain heads is on the higher side.

2. Record of proceeding shows that while granting interim stay of the judgment and decree in C.M.P.No.18438 of 2016, in

C.M.A.No.2575 of 2016, dated 29/11/2016, this Court has directed Cholamandalam Ms General Insurance Co. Ltd., Chennai/appellant herein to deposit 50% of the award amount, together with interest thereon, less the statutory deposit, to the credit of M.C.O.P.No.1071 of 2012, on the file of the Motor Accident Claims Tribunal/II Court of Small Causes, Chennai, within a period of six weeks, from the date of receipt of the copy of the order. Seeking withdrawal of the amount, injured has filed C.M.P.No.4495 of 2017 in C.M.A.No.2575 of 2016.

3. On this day, when the appeal came up for further hearing, we requested the learned counsel for the parties to consider as to whether compensation awarded under certain heads could be reduced. After deliberation, Mr.N.Vijayaraghavan, learned counsel for M/s. Cholamandalam Ms General Insurance Company Ltd., Chennai and Mr.K.Suriyanarayanan, learned counsel for the injured/respondent, consented that compensation awarded by the Tribunal requires reduction. Submission of the learned counsel for both parties is placed on record.

4. In as much as consensus has been arrived at for reduction in quantum of compensation, there is no need to delve into the merits of the claim. Tribunal has awarded a sum of Rs.16,11,400/-, with interest at the rate of 7.5% p.a., from the date of claim till realisation and costs.

5. Both the learned counsel for the parties have arrived at a settlement that compensation be fixed as Rs.13 lakhs (Rupees Thirteen lakhs) with interest and costs.

6. Insurance Company stated to have deposited 50% of the award amount, together with interest thereon, less the statutory deposit. In view of the reduction in the quantum of compensation, balance amount with proportionate interest and costs less the amount already deposited be worked out and deposited to the credit of M.C.O.P.No.1071 of 2012 on the file of the Motor Accident Claims Tribunal (II Court of Small Causes), Chennai, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, respondent/injured is permitted to withdraw the same by making necessary applications.

7. In the result, this Civil Miscellaneous Appeal is allowed in part, to the extent mentioned above. No costs. Consequently, the connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

To

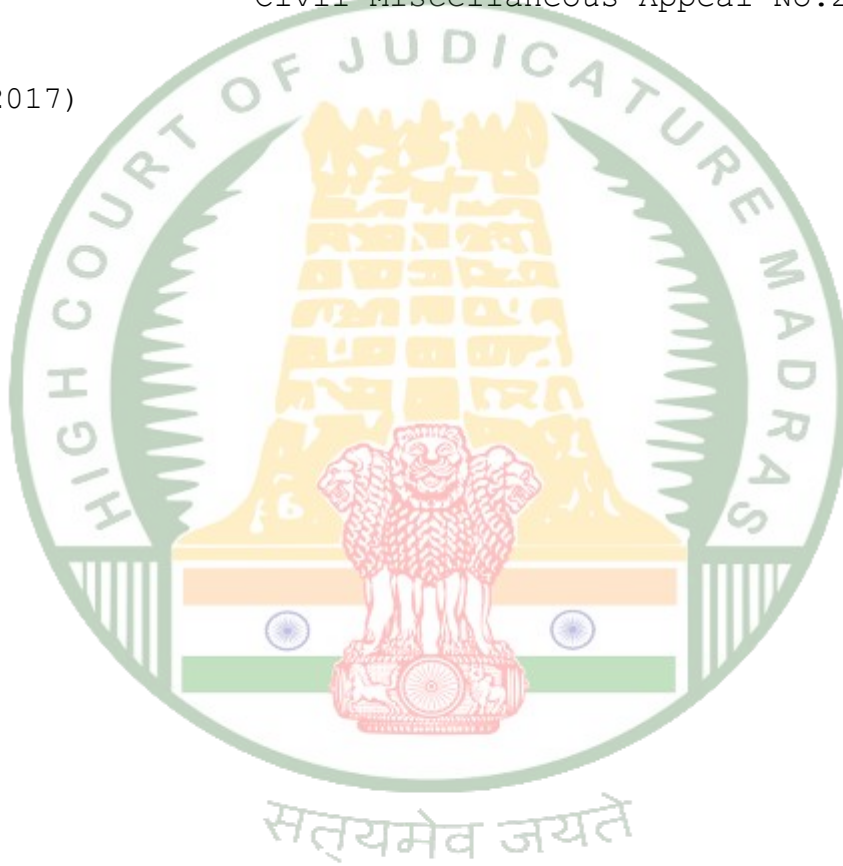
The Motor Accident Claims Tribunal (II Court of Small Causes),
Chennai.

+1cc to Mr.K.Suryanarayanan, Advocate SR.No.17678

+1cc to Mr.N.Vijayaraghavan, Advocate SR.No.18114

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