

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2109 of 2008

and

M.P.No.1 of 2008

United India Insurance Co., Ltd.,
Third Party Claims Office,
No.38, Anna Salai,
Chennai - 2.

.. Appellant/2nd Respondent

Vs.

1.Karthick @ Kathavarayan ..1st Respondent/Petitioner

2. Markandan .. 2nd Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 11.08.2007 made in M.C.O.P.No.750 of 2005 on the file of the Motor Accidents Claims Tribunal, Sub Court, Ponneri.

For Appellant : Mr.S.Arun Kumar

For R1 : Mr.A.E.Ravichandran

JUDGMENT

Calling in question the liability as well as the award passed by the Tribunal in MCOP.No.750 of 2005 on 11.08.2007, the present appeal has been filed by the appellant insurance company. By the impugned award, the Tribunal has held that the accident had occurred due to rash and negligent act on the part of the rider of the motorcycle and hence, the appellant insurance company was liable to pay compensation to the claimant and ultimately, determined the compensation at Rs.99,500/- with interest at 7.5%pa from the date of claim petition.

2.Today, when the matter is taken up for consideration, the learned counsel for the appellant insurance company and the learned counsel for the first respondent/claimant, on instructions, submitted that they have agreed to modify the award passed by the Tribunal to a sum of Rs.1,00,000/- as full quit and the appeal may be disposed of accordingly.

3. Recording the submissions so made by the learned counsel on either side, this appeal is disposed of and the award passed by the Tribunal is modified to Rs.1,00,000/- without interest. The appellant insurance company is directed to deposit the said amount, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment, failing which, they have to pay interest at the rate of 7.5% per annum for the defaulted period. On such deposit, the respondent/claimant is permitted to withdraw the same, on making proper application before the Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

av

To

1. Motor Accident Claims Tribunal,
Sub Judge, Ponneri.

2. The Section Officer,
VR Section,
High Court,
Madras.

+1 CC to Mr.A.E.Ravichandran, Advocate sr 65230.

+1 CC to Mr.S.Arun Kumar, advocate sr 65626.

सत्यमेव जयते

C.M.A.No.2109 of 2008

PVS (CO)

SP (20/08/2020)

WEB COPY