

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.253 of 2019
and C.M.P.No.1011 of 2019

The New India Assurance Co., Ltd.,
Kumaran Road,
Thirupur.

.. Appellant

/2nd Respondent

Vs.

1.Mr.Ramachandran

2.Mr.Natarajan

.. Respondents/Petitioner &

1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 26.03.2004, made in M.C.O.P.No.178 of 2001, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.5, (Coimbatore) at Thirupur.

For Appellant : M/s.G.Udayasankar

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant-Insurance Company, challenging the award dated 26.03.2004, made in M.C.O.P.No.178 of 2001, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.5, (Coimbatore) at Thirupur.

2.Heard the learned counsel appearing for the appellant and perused the materials available on record.

3.The appellant-insurance company is 2nd respondent in M.C.O.P.No.178 of 2001, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.5, (Coimbatore) at Thirupur. The 1st respondent filed the said claim petition, claiming a sum of Rs.10,00,000/- as compensation for the Nature of injuries sustained by him in the accident that took place on 20.12.2000.

4.The Tribunal, considering the pleadings, oral and

documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the Jeep belonging to the 2nd respondent and directed the appellant as well as 2nd respondent to pay a sum of Rs.5,42,714/- as compensation to the 1st respondent, jointly and severally. Challenging the said award dated 26.03.2004, made in M.C.O.P.No.178 of 2001 granting compensation to the 1st respondent, the appellant-Insurance Company has come out with the present appeal.

5.In the result, this Civil Miscellaneous Appeal is dismissed and sum of Rs.5,42,714/- awarded by the Tribunal as compensation to the 1st respondent/claimant, along with interest and costs is confirmed. The appellant-Insurance Company as well as 2nd respondent are directed to deposit the award amount jointly and severally along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.178 of 2001. On such deposit, the 1st respondent/claimant is permitted to withdraw the award amount, along with interest and costs, after adjusting the amount, if any already withdrawn, by filling necessary applications before the Tribunal. Consequently, the connected Civil Miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

pds/gsa

To

1.The Additional District Judge,
Fast Track Court No.5,
(Motor Accident Claims Tribunal),
(Coimbatore) at Thirupur.

2. The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.G.Udayashankar, Advocate, S.R.No. 3043

C.M.A.No.253 of 2019
and C.M.P.No.1011 of 2019

SR(CO)
GN(27/04/2019)