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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. No.33 of 2014

The Oriental Insurance Co. Ltd.,
Micro Office, 81-C, 1st Floor, KRC Complex,
Chennai Salai, Krishnagiri 635 001. .. Appellant/2nd Respondent

Vs.

1.Arasukumar @ Arasu ... 1st Respondent/Claimant

2.C. Saravanan .. 2nd Respondent/1st Respondent
(R2 remained exparte before the Tribunal.
Hence, notice is dispensed with.)

Prayer: Appeal against the order and decree of the Motor Accident claims Tribunal Court of Special Sub Judge, Krishnagiri dated 27.06.2013 and made in M.C.O.P.No.787 of 2013.

DECREE : This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order and decree of the Court below and the material papers in the case and upon hearing the arguments of Mr.K.Vinod for M/s.Elveera Ravindran, Advocate for the Appellant and of Mr.Selvam Advocate for the First Respondent and Second Respondent having remained exparte before the tribunal, and also notice to the second respondent having been dispensed with this Court, while allowing the Civil Miscellaneous Appeal in part and in modification of the decree of the Court below doth order and decree as follows:

1) that the award of compensation passed by claims Tribunal (Special Sub Judge), Krishnagiri made in MCOP No.787 of 2013 dated 27.06.2013 be and hereby stands reduced from Rs.8,16,319/- to Rs.6,00,319/- (Rupees six lakhs three hundred and nineteen only) together with costs;



ii) that the compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.

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iii) that the Appellant herein/Insurance Company as well as the second respondent/1st Respondent be and hereby are jointly and severally directed to deposit the modified award amount, now determined by this Court, along with interest and costs, 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.787 of 2013;

iv) that on such deposit being made the 1st respondent/claimant is permitted to withdraw the modified award amount along with proportionate interest and costs, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal;

v) that if the 1st Respondent/claimant has already withdrawn the award amount, the appellant/Insurance Company and the 2nd respondent/1st respondent are not entitled to recover the same from the 1st respondent/claimant;

vi) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Special Sub Judge,
(Motor Accident Claims Tribunal),
Krishnagiri.

+1CC to Mr.M.Selvam, Advocate, Sr.No.37428

+1CC to Mrs.Elveera Ravindran, Advocate, Sr.No.37337



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DATED : 20/11/2020

DECREE :

C.M.A. No.33 of 2014

Allowing the Civil Miscellaneous Appeal in part is preferred against judgment and decree of the Motor Accident claims Tribunal Court of Special Sub Judge, Krishnagiri, dated 27.06.2013 and made in M.C.O.P.No.787 of 2013, etc., as stated within.

VBA (CO)
GMY (26/08/2021)