



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A. (MD)No.1754 of 2008

and

M.P. (MD) .No.1 of 2008

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The Oriental Insurance Company Limited,
Divisional Office,
Tirunelveli.

... Appellant/2nd Respondent

Vs.

1.Jawahar

...1st Respondent / Petitioner

2.Mariappan

...2nd Respondent / 1st Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decretal award dated 08.09.2008 made in M.C.O.P.No.12 of 2004 on the file of the Motor Accident Claims Tribunal, Sub Court, Ambasamuthiram.

For Appellant : No appearance

For R1 : Mr.V.Meenakshi Sundaram for
Mr.D.Nallathambi

For R2 : No appearance

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Sub Court, Ambasamuthiram in M.C.O.P.No.12 of 2004, dated 08.09.2008.

2. None appeared on behalf of the appellant / Insurance Company.

3. The learned counsel appearing for the first respondent submitted that the award passed by the Tribunal is just and fair and the same may be confirmed. He further submitted that the accident occurred due to the rash and negligent driving of the second respondent.

4. On perusal of the records, it appears that both the liability fixed by the Tribunal as well as the compensation awarded by the Tribunal are just and fair and there is no interference required by this Court. Accordingly, the award passed by the Motor Accident Claims Tribunal, Sub Court, Ambasamuthiram in M.C.O.P.No.12 of 2004, dated 08.09.2008 is confirmed and the Civil Miscellaneous Appeal is dismissed.

5. In case, if the appellant/Insurance Company intends to file any application to restore the appeal and argue the matter on merits, a sum of Rs.50,000/- (Rupees Fifty Thousand only) is awarded



and the same may be paid by the appellant/Insurance Company to the claimant, before entertaining any application to set aside the judgment and re-open the appeal.

6. In view of the dismissal of the appeal, the appellant/Insurance Company is directed to deposit the entire award amount along with interest at the rate of 7.5 % per annum from the date of claim petition till the date of deposit, to the credit of the claim petition, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the Tribunal is directed to transfer the said amount directly to the Personal Savings Account Number of the claimant by way of RTGS/NEFT system, after getting his Account Details, within a period of three weeks thereafter. In case, if the award amount is already deposited, the Tribunal is directed to transfer the entire amount to the claimant account by way of RTGS/NEFT within a period of three weeks from the date of receipt of a copy of this judgment. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv
To

The Motor Accident Claims Tribunal,
Sub Court,
Ambasamuthiram.

Copy to: The Section Officer, V.R.Section
Madurai Bench of Madras High Court, Madurai 2 copies

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