

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Thursday, the Thirtieth day of January  
Two Thousand Twenty

PRESENT

The Honorable Mrs Justice V.BHAVANI SUBBAROYAN

CMA No.1814 of 2008

1 The Oriental Insurance Company Limited  
Hindupur Appellate/2<sup>nd</sup> respondent

vs

1.Perumal .. 1<sup>st</sup> Respondent/Petitioner  
2.Ramachandra Achary .. II<sup>nd</sup> Respondents/1<sup>st</sup> Respondent

The Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree of the Motor Accidents Claims Tribunal, Sub Court, Hosur, Krishnagiri District. dated 11.12.2007 and made in M.C.O.P.Nos.198/2005.

ORDER:-

This Appeal coming on for hearing on this day. Upon perusing the petition of Appeal, the order of the Lower Court. and the material Papers with the case and upon hearing the arguments of M/S. J. CHANDRAN, Advocate for the Appellant and of Mr.M.Selvam advocate for the first respondent and none appeared either in person or by advocate for the second respondent, while this court allowing the Appeal, doth order and decree as follows,

i. That the judgment and Decree Passed by the Tribunal be and hereby is set aside only with regard to the exoneration of the appellant Insurance company, from its liability

ii. That the 1<sup>st</sup> respondent/owner of the vehicle be and hereby is directed to pay compensation to the claimants for the sum of Rs.20000/- (Rupees twenty thousand only) with interest thereon at the rate of 9% per annum from the date of petition till the date of deposit.

iii. That the 2<sup>nd</sup> respondent/Insurance Company be and here by is permitted to withdraw the entire amount deposited by them, if any.

iv. That the 1<sup>st</sup> respondent/owner of the vehicle be and hereby is

directed to deposit the entire award amount as determined by the Tribunal along with interest and costs within a period of six weeks from the date of receipt of a copy of this judgment.

v. That on such deposit, the claimants be and hereby is permitted to withdraw the entire award amount along with interest and costs, after adjusting the amount if any, already withdrawn.

vi. That there be no cost in this Civil Miscellaneous Appeal.

Sd/-  
Assistant Registrar(CO-V)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,  
The Motor Accident Claims Tribunal  
Hosur, Krishnagiri District.
2. The Section Officer  
V.R.Section  
High Court, Chennai.

+1cc to Mr.J.Chandran, Advocate, S.R.No.7780  
+1cc to Mr.M.Selvam, Advocate, S.R.No.7123

Dated :30/01/2020

DECREE

CMA.1814/2008

Allowing the Appeal  
Preferred against the judgment  
and decree of the Motor Accidents  
Claims Tribunal, Sub Court,  
Hosur, Krishnagiri District.  
dated 11.12.2007 in  
M.C.O.P.Nos.198/2005.

PVS(CO)  
CT(13/08/2021)