

C.M.A.No.1 of 2010
and
M.P.No.1 of 2010

(Through Video Conferencing)

C.SARAVANAN, J.

At the request of the learned counsel for the appellant Insurance Company, this Civil Miscellaneous Appeal is listed under the caption “for being mentioned”.

2. This appeal was already dismissed by an order dated 10.07.2020. The learned counsel for the appellant Insurance Company submits that there is mistake in the cause title in the appeal memo filed by the appellant. It is submitted that the name of the 7th respondent has been wrongly given as N.Bhavani instead of N.Bharani in the appeal memo. He has also filed a memo to that effect.

3. The learned counsel for the 1st to 6th respondents agrees this mistake which has to be corrected.

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4. In view of the above submissions of the learned counsel, the correction stands recorded. Therefore, the Registry is directed to correct the necessary corrections and furnish the fresh copies to the parties.

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07.12.2020



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

C.M.A.No.1 of 2010

and

M.P.No.1 of 2010

(Through Video Conferencing)

The National Insurance Company Ltd.,
661, Trunk Road,
Poonamallee, Chennai 600 056.

... Appellant

Vs.

1.Chellammal

2.Minor Pradeep Raj

3.Minor Prithika

4.Minor Praveenraj

(2nd to 4th respondents are represented by
their mother and 1st respondent Chellammal)

5.Sivalingam

6.Muruvammal

7.N.Bhavani

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 06.06.2008 made in M.A.C.T.O.P.No.110 of 2006, on the file of the Motor Accident Claims Tribunal, Poonamallee (Fast Track Court No.IV) Poonamallee.

For Appellant : Mr.S.Vadivel

For R1 to R6 : Mr.K.Varadha Kamaraj

J U D G M E N T

With consent of both the counsels, this Civil Miscellaneous Appeal is taken up for final disposal. Heard the learned counsels for the appellant and the 1st to 6th respondents.

2. This Civil Miscellaneous Appeal has been filed against the impugned Judgment and Decree dated 06.06.2008 passed by the Motor Accident Claims Tribunal, (Fast Track Court No.II), Poonamallee in M.C.O.P.No.110 of 2006.

3. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.4,50,000/- together with interest at 7.5% per annum

from the date of filling of the claim petition, to the 1st to 6th respondents/claimants, as against the claim amount of Rs.8,00,000/-.

4. The claim petition was filed by the 1st to 6th respondents. They are the legal heirs and dependents of the deceased Anbu. The deceased Andu died in an accident that took place on 07.12.2005 at about 12.00 noon, while he was proceeding on a bicycle when he was hit by a lorry bearing registration number TCH 6903 insured with the appellant Insurance Company.

5. The learned counsel for the appellant submits that this appeal has been filed only on the quantum of compensation that has been awarded by the Tribunal.

6. I have perused the records, the impugned Judgment and Decree and the grounds of appeal filed by the appellant. Though several grounds have been raised in this appeal to assail the impugned Judgment and Decree of the Tribunal, I find that the Tribunal has considered the issues correctly and awarded a just compensation. I do not find any infirmity in

reasoning of the learned Additional District and Sessions Judge in the impugned Judgment and Decree while awarding the aforesaid compensation.

7. The appellant is therefore directed to deposit the balance amount of compensation and cost if any, together with interest at 7.5% per annum from the date of filing of the claim petition (i.e.02.03.2006) till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit being made by appellant, the 1st to 6th respondents are permitted to withdraw the same together with interest by filing suitable application before the Tribunal, in the same proportion and condition as was ordered/awarded in the impugned Judgment and Decree.

8. Accordingly, this Civil Miscellaneous Appeal is dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

10.07.2020

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Index : Yes / No

Internet : Yes / No

Notes:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

Motor Accident Claims Tribunal,
(Fast Track Court No.II),
Poonamallee.



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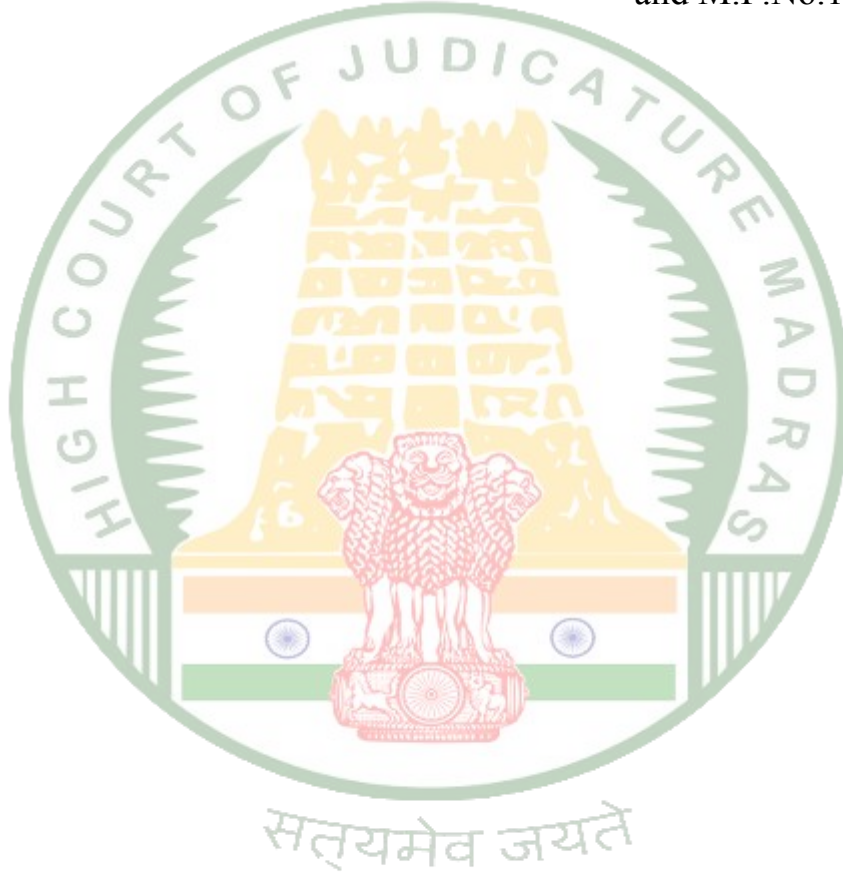
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