

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	13.07.2020
Pronounced On	17.07.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.Nos.503 to 505 of 2010
and

M.P.Nos.1, 1 & 1 of 2010

(Through Video Conferencing)

Manager,
The New India Assurance Co. Ltd.,
No.45, Moore Street,
Chennai - 600 001.

... Appellant
in all C.M.As./2nd Respondent
in MCOP.No.461/06,462 & 463/06

Vs.

1.Vinayagamoorthy

2.S.Malathy

... Respondents
in all C.M.As./Petitioner &
1st respondent in MCOP.461/06
462 & 463/06

Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988 against the Common Judgment and Decrees dated 19/01/2009 respectively made in M.A.C.T.O.P.Nos.461, 462 to 463 of 2006, on the files of the Motor Accident Claims Tribunal (Subordinate Judge) at Tiruvallur.

For Appellant : Mr. M.Krishnamoorthy
in all C.M.As.

For R1 : Mr.R.Neelakandan in all C.M.As.

R2 : Exparte in all C.M.As.

C O M M O N J U D G M E N T

By this common Judgment, all the three Civil Miscellaneous Appeals are being disposed.

2. These appeals have been filed by the appellant insurance company against the common judgment and three separate decrees dated 19.01.2009, passed by the Motor Accidents Claims Tribunal (Subordinate Judge) at Tiruvallur in M.A.C.T.O.P.Nos.461 to 463 of 2006.

3. By the impugned common judgement and three separate decrees dated 19.01.2009, the Tribunal has allowed the claim petition filed by the 1st respondent/claimant and has awarded a sum of Rs.7,92,000/- [2,20,000 + 2,20,000 + 3,52,000] as compensation to the 1st respondent/claimant on the ground that the insured car was covered by a valid insurance policy issued by the appellant insurance company in favour of the 2nd respondent owner of the car though the 1st respondent/claimant was negligent as a result of which his wife and two minor children died in the accident.

4. These claim petitions were filed in the background of a tragic accident on 27.05.2005. The 1st respondent/claimant drove the insured car belonging to the 2nd respondent through the flooded road on the bridge on the Bommajikulamodai (water stream) on a rainy day.

5. The 1st respondent / claimant's wife and two minor children were the co-passengers in the insured car. They tragically died in the insured car after the flood swept the car with them. The 1st respondent/claimant who was on the wheels of the insured car managed to extricate himself but had the misfortune of helplessly witnessing his wife and two minor children drift in the car in the troubled water which consumed them.

6. It is submitted on behalf of the appellant that the 1st respondent / claimant drove the car negligently against the flood water on the bridge in rain when the insured car's engine stalled and the car got swept away with it occupants.

7. The learned counsel for the appellant insurance company further submits that the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 was erroneously allowed by the Tribunal ignoring the fact that the 1st respondent/claimant himself was negligent and responsible for the death of his wife

and two children.

8. It is therefore submitted that the question of appellant insurance company being made liable for the accidental death of the 1st respondent /claimant's wife and two children cannot be countenanced. It is stated that as a tortfeasor, the 1st respondent/claimant was not entitled to claim compensation under the said Act.

9. The learned counsel for the appellant Insurance Company further submits that FIR was also filed against the appellant under IPC, for causing the death of his wife and the children.

10. In this connection, the learned counsel for the appellant insurance company relies on the following decisions:-

- i. Oriental Insurance Co. Ltd. Vs. Meena Variyal and Others, (2007) 5 SCC 428.
- ii. New India Assurance Company Limited Vs. Er.K.Jothilingam and Others, 2009 SCC OnLine Mad 750.
- iii. A.Sridhar Vs. United India Insurance Company Limited and Another, (2011) 14 SCC 719.
- iv. DeepalGirishbhaiSoni and Others Vs. United India Insurance Company, Baroda, (2004) 5 SCC 385.

11. Per contra, the learned counsel for the 1st respondent/claimant defends the impugned judgement and decrees and submits that the 1st respondent/claimant was claiming compensation as the legal heirs of the deceased persons, namely, his wife and two children.

12. The learned counsel for the 1st respondent / claimant submits that the question of denial of compensation to the 1st respondent/ claimant would arise only if 1st respondent / claimant claimed compensation for any personal injury to himself. It is submitted that the 1st respondent / claimant's wife and two children died in a car accident and therefore the 1st respondent / claimant was entitled for the compensation awarded.

13. The learned counsel for the 1st respondent / claimant relied on the decision of the this Court in United India Insurance Company Limited Vs. K.Paruvatham, 2011 SCC OnLine Mad 2304: 2012 (1) TN MAC 111, wherein, it was held as follows:-

22. If there is a personal accident coverage, the Insurance Company is liable. However, the above referred case laws and discussions relate to the death or bodily injury of the owner/insured. The question before this Court is whether a owner can maintain a claim as a legal heir of the deceased who died in an accident involving the insured vehicle. The contention of the Insurance Company is that the liability under Section 163-A of Motor Vehicles Act is on the owner of the vehicle as a person and the Claimant cannot be both a Claimant as also the recipient.

23. However, Section 166 deals with just compensation to a Claimant who is entitled to file a Claim Petition for the death of the bread winner or for the bodily injury of the Claimant. Section 147 deals with requirement of policy and limits of liability. The liability of the Insurance Company is to the extent of indemnification of the insured against a third person. If the insured can be fastened with any liability the Insurer is liable to indemnify the insured. For the death of a passenger, if covered by the Policy of the insurance, the insured is liable and therefore, the Insurance Company is liable to indemnify the insured. In my considered view, the insured, "as a person" being the legal heir of the deceased, in a "different capacity" is entitled for the compensation under Section 166 of the Act. In that event, in my considered view, the Insurance Company cannot escape from indemnifying the insured simply because the insured happens to be the recipient. In a simple analogy, had there been any other legal heir apart from the insured, they would maintain a claim for compensation as they are entitled for compensation. Therefore, the insured being the sole legal heir/dependant in a dual capacity is entitled to be indemnified by the Insurance Company and is also entitled to be a recipient of such claim.

24. It is also pertinent to note that in a comprehensive Policy of Insurance if the

personal accident of the owner is covered the legal heirs of the owner can maintain a claim. On the same analogy, the owner/insured being the legal heir of the deceased/passenger, who is covered under the Policy is also entitled for a just compensation under Section 166 of the Act.

14. The learned counsel for the 1st respondent / claimant also placed reliance on the decision of the Delhi High Court in Rukmani Devi Vs. New India Assurance Company Limited and Another, 2009 ACJ 2202 and the another decision of the Bombay High Court in New India Assurance Company Limited Vs. Ashabai Kalyan Kothi and Others, 2009 ACJ 163.

15. He further submits that while answering the issue relating to the liability, the Tribunal correctly relied on the decisions of the Court in Yadwinder Sharma Vs. Pepsu Road Transport Corporation, 2008 ACJ 1422 and Sharma and Others Vs. Kartar Sing and others, 2008 ACJ 882 and Oriental Insurance Company Vs. Salma and Others, 2008 ACJ 1197 and held that the Insurance Company is vicariously liable on behalf of the owner of the car, with the findings that the accident occurred due to Act of God, however during the usage of the vehicle. Ultimately, the Tribunal fixed the liability on the appellant Insurance Company.

16. He further submits that as per Section 166 of the Motor Vehicle Act, 1988, the appellant was required to merely show existence of a valid licence and death on account of use of an insured vehicle. He submits that the death was due to an accident and therefore the Tribunal was justified in awarding compensation to the 1st respondent/claimant. He has relied on the following decisions to buttress the above submissions:-

- i. Regional Director, ESI Corporation Vs. Francis De Costa, (1993) Supp 4 SCC 100.
- ii. Sukhdev Singh Vs. Delhi State, (2003) 7 SCC 441.
- iii. Jyothi Ademma Vs. Plant Engineer, Nellore, 2006 (5) SCC 513.

17. He further refers to the decision of the Hon'ble Supreme Court in United India Insurance Company Ltd. Vs. Amir Basha, 2004 (2) SCC 23, wherein it was held as follows:-

"13. It is clear from the above decisions and in view of the object of the enactments, both under the Motor Vehicles Act, 1939 and 1988 the expression "caused by" and "arising out of" have a wider connotation. Though the accident should be connected with the use of motor vehicle, but the said connection need not be direct and immediate. The expression "arising out of use of motor vehicle" as mentioned in Section 92-A of the 1939 Act and Section 165 of 1988 Act enlarges the field of protection made available to the victims of an accident and is in consonance with the beneficial object underlying the enactment. From the expression employed namely "accident arising out of the use of a motor vehicle" in the place of "accident caused by the use of motor vehicle", it is clear that the Legislature wanted to enlarge the scope of the word "use" and not to restrict it for denying compensation in deserving cases; accordingly we are of the view that the test should be whether the accident was reasonably proximate to the use of a motor vehicle, whether or not the motor vehicle was in motion then. We should not forget that these provisions are made in order to help the victims. We are of the view that restrictive interpretation should not be given for the word "use". We are also of the view that the expression "arising out of the use of motor vehicle" has to be given a wider meaning. We are also of the view that "use of motor vehicle" need not necessarily be so intimate and closely direct as to make it "a motor accident" in the sense in which that expression is used in common parlance. Accordingly, we hold that the death of Absar arose out of the use of motor vehicle, and the claimants/respondents 1 and 2 herein are entitled to compensation for the death of their son Absar."

18. He therefore submits that it is not in dispute that the accident was out of the use of a motor vehicle and therefore the 1st respondent/claimant was entitled to compensation for a claim petition filed under Section 166 of Motor Vehicles Act. He further submitted that the appellant insurance company has

pleaded that the claimant is a tortfeasor, which means he is negligent and it is further stated that the claimant was responsible for the accident as he drove the car in a negligent manner and tried to cross a bridge overflowing with flood resulting in the car being washed away. Hence, the insurance company having admitted that there is negligence on the part of the driver was duty bound to pay the compensation which the Tribunal correctly awarded.

19. It is therefore submitted that as the legal heir of the deceased persons, he was entitled to claim compensation. Consequently, the 1st respondent/claimant prayed for dismissal of these three Civil Miscellaneous Appeals.

20. I have considered the arguments advanced on behalf of the appellant and the 1st respondent/claimant in the respective appeals.

21. On the fateful day i.e on 27.05.2005, the deceased were travelling with the 1st respondent/claimant when bridge near Boomajilukulam Water Stream (Odai) started flooding, as a result of which, the insured car got swept away in the flood along with them.

22. The 1st respondent/claimant who was on the wheels managed to extricate himself from the vehicle but could not rescue his wife and children. The 1st respondent/ claimant thus managed to escape from the jaws of the death and helplessly witnessed the tragedy of epic proportion unfolding right in front of his eyes. The occupants died as the car got washed away in the flood. A criminal case also was filed against the 1st respondent/claimant which was eventually dismissed as no case was made out against him.

23. The 1st respondent/ claimant, as a survivor and as a legal heirs of his deceased wife and two children, filed three claim petitions under Section 166 of the Motor Vehicles Act, 1988, which came to be allowed by the Tribunal. The insurance company has questioned the same in these Civil Miscellaneous Appeals.

24. There are no disputes on the factual aspect. The only question, that requires to be determined in these appeals, is whether the 1st respondent/claimant was entitled to get compensation under the Act for the death of his wife and two children in a car accident insured with the appellant Insurance

Company?

25. Though the 1st respondent/claimant suffered a tragedy of epic proportion, he was not dependent either of his deceased wife and/or of his 2 minor deceased children who died in the accident. Therefore, the claim petitions filed by the 1st respondent/claimant as a dependant under Section 166 of the Motor Vehicles Act, 1988, were misconceived.

26. At best, the 1st respondent/claimant was entitled to get compensation under Section 140 of the Motor Vehicles Act, 1988. As per the aforesaid provision, in the event of death or permanent disablement of any person resulting from an accident arising out of use of the motor vehicle or motor vehicles, the owner of the vehicle shall, or, the owners of the vehicles as the case may be, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of the said Section.

27. In case of death, the owners statutorily bound to pay Rs.50,000/- and in case of permanent disablement such owner is bound to pay to the injured person a sum of Rs.25,000/-.

28. This is the statutory liability fastened on the owner of the vehicle without fault. The remedy under Section 140 is in addition to any other remedy under any law including the remedy under Section 163-A of the Act.

29. Chapter XI of the Motor Vehicles Act, 1988 deals with insurance of motor vehicles against 3rd party risk. Section 146 mandates that no person shall use, except as a passenger, or cause or allow any other person to use, a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of the said Chapter.

30. Section 163-A under Chapter XI of the Act operates specifically in the context of 3rd party risk. On the other hand, Section 166 of the Act falls under Chapter XII which is also construed to compensate a claimant as a third party.

31. A bonafide claimant has an option under Section 166 of the Act. While, Section 163-A provides for a speedy settlement of claims on a structured basis, Section 166 provides for larger relief but is however subject to several defences that are

available to the owner of the motor vehicle and to the insurer of the vehicle. In Deepal Girishbhai Soni Vs. United India Insurance Co. Ltd., 2004 (1) TN MAC 193 (SC): 2004 ACJ 934, the Scheme of Section 163A was explained as follows:-.

"39. Section 163-A was introduced in the Act by way of a social security scheme. It is a code by itself. It appears from the Objects and Reasons of the Motor Vehicles (Amendment) Act, 1994 that after enactment of the 1988 Act several representations and suggestions were made from the State Governments, transport operators and members of the public in relation to certain provisions thereof. Taking note of the observations made by the various courts and the difficulties experienced in implementing the various provisions of the Motor Vehicles Act, the Government of India appointed a Review Committee. The Review Committee in its report made the following recommendations:

The 1988 Act provides for enhanced compensation for hit-and-run cases as well as for no-fault-liability cases. It also provides for payment of compensation on proof-of-fault basis to the extent of actual liability incurred which ultimately means an unlimited liability in accident cases. It is found that the determination of compensation takes a long time. According to information available, in Delhi alone there are 11,214 claims pending before the Motor Accidents Claims Tribunals, as on 31-3-1990. Proposals have been made from time to time that the finalisation of compensation claims would be greatly facilitated to the advantage of the claimant, the vehicle-owner as well as the insurance company if a system of structured compensation can be introduced. Under such a system of structured compensation that is payable for different classes of cases depending upon the age of the deceased, the monthly income at the time of death, the earning potential in the case of the minor, loss of income on account of loss of limb etc., can be notified. The affected party can then have the option of either accepting the lump sum compensation as is notified in that scheme of structured compensation or of pursuing his claim through the normal channels.

The General Insurance Company with whom the matter was taken up, is agreeable in principle to a scheme of structured compensation for settlement of claims on 'fault liability' in respect of third-party liability under Chapter XI of the MV Act, 1988. They have suggested that the claimants should first file their claims with Motor Accidents Claims Tribunals and then the insurers may be allowed six months' time to confirm their prima facie liability subject to the defences available under the Motor Vehicles Act, 1988. After such confirmations of prima facie liability by the insurers the claimants should be required to exercise their option for conciliation under structured compensation formula within a stipulated time."

40. The recommendations of the Review Committee and representations from the public were placed before the Transport Development Council for seeking their views pursuant where to several Sections were amended. Section 163-A was inserted in the Act to provide for payment of compensation in motor accident cases in accordance with the Second Schedule providing for the structured formula which may be amended by the Central Government from time to time.

41. Section 140 of the Act dealt with interim compensation but by inserting Section 163-A, Parliament intended to provide for the making of an award consisting of a predetermined sum without insisting on a long-drawn trial or without proof of negligence in causing the accident. The Amendment was, thus, a deviation from the common law liability under the law of torts and was also in derogation of the provisions of the Fatal Accidents Act. The Act and the Rules framed by the State in no uncertain terms suggest that a new device was sought to be evolved so as to grant a quick and efficacious relief to the victims falling within the specified category. The heirs of the deceased or the victim in terms of the said provisions were assured of a speedy and effective remedy which was not available to the claimants under Section 166 of the Act. ...

51. The scheme as envisaged under Section 163-A, in our opinion, leaves no manner of doubt that

by reason thereof the rights and obligations of the parties are to be determined finally. The amount of compensation payable under the aforementioned provisions is not to be altered or varied in any other proceedings. It does not contain any provision providing for set-off against a higher compensation unlike Section 140. In terms of the said provision, a distinct and specified class of citizens, namely, persons whose income per annum is Rs. 40,000 or less is covered thereunder whereas Sections 140 and 166 cater to all Sections of society. ..

53. Although the Act is a beneficial one and, thus, deserves liberal construction with a view to implementing the legislative intent but it is trite that where such beneficial legislation has a scheme of its own and there is no vagueness or doubt therein, the court would not travel beyond the same and extend the scope of the statute on the pretext of extending the statutory benefit to those who are riot covered thereby. (See Regional Director, ESI Corpn. v. Ramanuja Match Industries (AIR 1985 SC 278 = (1985) 98 L.W. 1 S.N.)."

32. Section 166 is under Chapter XII of the said Act, which contemplates an application for compensation arising out of an accident of the nature specified in Sub-Section (1) of Section 165 can be made:-

- (a) by a person who has sustained the injury; or
- (b) by the owner of the property; or
- (c) where the death has resulted from the accident, by all or any of the legal representative of the deceased; or
- (d) by any agent duly authorised by the person injured or all or any of the legal representative of the deceased, as the case may be:

33. Sub-Section (1) of Section 165 of the Motor Vehicles Act, 1988 merely contemplates constitution of a Motor Accidents Claims Tribunal for the purpose of adjudication of the claims for compensation in respect of accidents involving the death of, or bodily injury to, person arising out of use of motor vehicles, or damages to any property of a third party so arising, or both.

34. Section 166 also does not contemplate any exception by which an insurance company can distance itself from its liability under the Act. It merely provides a statutory mechanism for a claimant to file an application for compensation under the Act.

35. Under Section 168 of the Act, the Claims Tribunal shall after giving notice of the application to the insurer and after giving the parties including the insurer an opportunity of being heard, hold an enquiry into the claim or, as the case may be, each of the claims and, subject to provisions of Section 162 may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or the owner or driver of the vehicle involved in the accident or by all or any of them as the case may be.

36. Under Section 166 of the Act, the claimant has to establish that the driver or the owner of the motor vehicle as the case may be, which was involved in the accident was negligent while driving of the motor vehicle which resulted in a death or permanent disability to the occupant. In case of death, the dependent of the deceased person and in case of permanent disability, the injured person, as the case may be, can sue such driver or the owner for compensation as held in Oriental Insurance Co. Ltd., Vs. Meena Variyal and Sthers, (2007) 5 SCC 428. The Hon'ble Supreme Court held that the claimants had to establish negligence of the driver before the Insurance Company could be asked to indemnify the insured.

37. In Oriental Insurance Co. Ltd. Vs. Meena Variyal, (2007) 5 SCC 428, it was observed that "It may be true that the Motor Vehicles Act, insofar as it relates to claims for compensation arising out of accidents, is a beneficent piece of legislation. It may also be true that subject to the rules made in that behalf, the Tribunal may follow a summary procedure in dealing with a claim. That does not mean that a Tribunal approached with a claim for compensation under the Act should ignore all basic principles of law in determining the claim for compensation. Ordinarily, a contract of insurance is a contract of indemnity. When a car belonging to an owner is insured with the insurance company and it is being driven by a driver employed by the insured, when it meets with an accident, the primary liability under law for payment of compensation is that of the driver. Once the driver is liable, the owner of the vehicle becomes vicariously liable for payment of compensation.

It is this vicarious liability of the owner that is indemnified by the insurance company. A third party for whose benefit the insurance is taken, is therefore entitled to show, when he moves under Section 166 of the Motor Vehicles Act, that the driver was negligent in driving the vehicle resulting in the accident; that the owner was vicariously liable and that the insurance company was bound to indemnify the owner and consequently, satisfy the award made. Therefore, under general principles, one would expect the driver to be impleaded before an adjudication is claimed under Section 166 of the Act as to whether a claimant before the Tribunal is entitled to compensation for an accident that has occurred due to alleged negligence of the driver. Why should not a Tribunal insist on the driver of the vehicle being impleaded when a claim is being filed?

38. The Court ultimately held as under:-

"6 The whole protection provided by Chapter XI of the Act is against third-party risk. Therefore, in a case where a person is not a third party within the meaning of the Act, the insurance company cannot be made automatically liable merely by resorting to Swaran Singh [(2004) 3 SCC 297 : 2004 SCC (Cri) 733] ratio. This appears to be the position. This position was expounded recently by this Court in National Insurance Co. Ltd. v. Laxmi NarainDhut [(2007) 3 SCC 700 : (2007) 2 SCC (Cri) 142 : (2007) 4 Scale 36] . This Court after referring to Swaran Singh [(2004) 3 SCC 297 : 2004 SCC (Cri) 733] and discussing the law summed up the position thus: (Laxmi NarainDhut case [(2007) 3 SCC 700 : (2007) 2 SCC (Cri) 142 : (2007) 4 Scale 36] , SCC p. 719, para 38)

"38. In view of the above analysis the following situations emerge:

1. The decision in Swaran Singh case[(2004) 3 SCC 297 : 2004 SCC (Cri) 733] has no application to cases other than third-party risks.
2. Where originally the licence was a fake one, renewal cannot cure the inherent fatality.
3. In case of third-party risks the insurer has to indemnify the amount and if so

advised, to recover the same from the insured.

4. The concept of purposive interpretation has no application to cases relatable to Section 149 of the Act.

The High Courts/Commission shall now consider the matter afresh in the light of the position in law as delineated above."

We are in respectful agreement with the above view.

39. In *New India Assurance Co. Ltd., Vs Er. K. Jothilingam others*, (2009) 5 LW 576 : (2009) 6 Mad LJ 495 : 2011 ACJ 333 : 2011 (2) TAC 565, a Division Bench of this Court on facts held that the driver of the car who was the husband of the deceased could not claim compensation as he was negligent.

40. There the claim for compensation was made by the husband of the deceased wife not for himself, but for his child and the parents of the deceased wife. Since the husband, represented the interest of his minor child, the Court observed that perhaps, the claim could have been made by the minor child represented by her grandparents showing her father as the 1st respondent.

41. In the appeal stage, a petition was filed for transposing the first claimant as 3rd respondent and was ordered by the Court because the minor daughter and parents of the deceased were entitled to make a claim. The Court held that death was on account of the rash and negligent driving of the husband and therefore the child, a third party who lost her mother on account of the rash and negligent driving of her father cannot be denied her compensation. It underlined that the husband was not entitled for compensation.

42. In the present case, barring the husband, nobody else survived to make a legitimate claim. Therefore, 1st respondent/claimant ought not to have filed the claim petition. The Tribunal ought to have rejected the claim petition.

43. The 1st respondent/claimant being a himself a tortfeasor and cannot claim compensation for his own fault and the 2nd respondent or the appellant cannot be held vicariously liable to pay compensation.

44. The contention of the learned counsel for the 1st respondent/claimant that the compensation was claimed as the legal heirs of his deceased wife and children and therefore even if it is assumed on a demurrer that the 1st respondent/claimant was negligent and there he was still entitled to compensation cannot be countenanced.

45. The 1st respondent/claimant was not a 3rd party for he was himself driving the insured accident car in which his family perished. In my view, the Tribunal erred in allowing the claim petitions at the behest of the 1st respondent/claimant. In fact, claim petition whether under Section 163-A or under Section 166 of the Act could not have been allowed. At best the Tribunal ought to have restricted the compensation under Section 140 of the Act. Though the 1st respondent/claimant has suffered immensely, I am afraid the Court cannot act on emotions to uphold the impugned common judgment and decrees passed by the Tribunal.

46. In the light of the above discussions, these Civil Miscellaneous Appeals are liable to be partly allowed. The 1st respondent/claimant is thus entitled to a sum of Rs.1,50,000/- (50,000 x 3) as compensation as observed above in terms of Section 140 of the Motor Vehicles Act. Therefore, the 1st respondent is permitted to withdraw the sum of Rs.1,50,000/- together with interest, by filing suitable application before the Tribunal.

47. By an order dated 23.02.2010, this Court had directed the appellant Insurance Company to deposit the entire amount of compensation to the credit of the Claim Petitions. If the appellant Insurance Company has already deposited the award amount, it is entitled to withdraw the balance amount together with interest accrued thereon by filing suitable application before the Tribunal.

48. However, if the amount has not been deposited by the appellant Insurance company, it is directed to deposit the amount of Rs.1,50,000/- (50,000 x 3) together with interest at 7.5% per annum from the date of filing of the claim petitions till the date of such deposit, less already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment.

49. Accordingly, these Civil Miscellaneous Appeals are partly allowed. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/true copy/
Sub Asst. Registrar

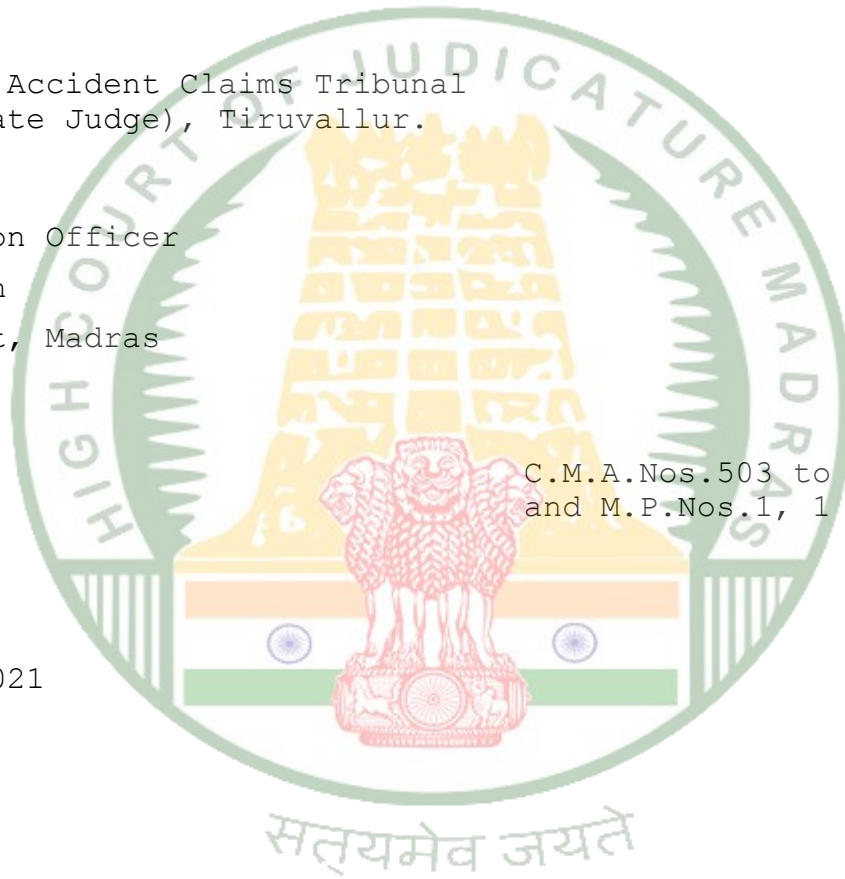
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To:

The Motor Accident Claims Tribunal
(Subordinate Judge), Tiruvallur.

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C.M.A.Nos.503 to 505 of 2010
and M.P.Nos.1, 1 & 1 of 2010

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