

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A. No.1678 of 2013

P. Mylathal

... Appellant/Petitioner

Versus

1. Bazaj Allianz General Insurance Co. Ltd.
Ge Plaza Airport Road,
Yerawad , Pune - 411 0060.

2.T. Rajendran

3. National Insurance Co. Ltd.
(Insurer of the Hunda Activa Vehicle)
Head Office, No.3,
Middleton Vidhi,
Kolkatta - 700 071

..Respondents/Respondents

Prayer : Civil Miscellaneous Appeal filed under section 173 of Motor Vehciles Act, 1988 against the award and decree dated 05.12.2007 made in M.C.O.P.No.318 of 2006 on the file of the Motor Accident Claims Tribunal cum I Additional Sub-Court, Coimbatore.

Decree : This Civil Miscellaneous Appeal coming on for hearing n this day upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.Ma.Pa. Thangavel, Advocate for the Appellant and Mr. J. Michael Visuvasam for the 1st Respondent, Mr.S. Arunkumar, for the 3rd Respondent and 2nd Respondent remained set exparte before the Tribunal, this Court while allowing the Civil Miscellaneous Appeal in part, doth order and decree as follows:

1) that the judgment and decree of the Motor Accident Claims Tribunal cum I Additional Sub-Court, Coimbatore made in M.C.O.P.No.318 of 2006 dated 05.12.2007, he and hereby is set aside;

2) that the Compensation of Rs.57,000/- (Rupees Fifty Seven thousand only) be and hereby is awarded to the claimant/appellant with interest @ 7.5% p.a. from the date of petition till the date of deposit of award amount;

3) that the 1st Respondent/Insurance Company and 3rd Respondent/Insurance Company shall bear the compensation equally i.e., 50:50;

4) that the both Insurance Company be and hereby is directed to deposit the share in to the credit MCOP No.318 of 2006, on the file of the Motor Accident Claims Tribunal cum I Additional Sub-Court, Coimbatore within a period of four weeks from the date of receipt of copy of this order;

5) that on such deposit the appellant/claimant herein be and hereby is entitled to withdraw the same after filing the formal application before the Tribunal;

6) that there be no costs in this Civil Miscellaneous Appeal;

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

To:

1.The Motor Accident Claims Tribunal,
cum I Additional Sub-Court, Coimbatore.

Copy To
The Section Officer,
V.R.Section, High Court, Madras.

+1cc to Mr.Ma.Pa. Thangavel, Advocate SR.No.7835

+1cc to Mr.S. Arunkumar, Advocate SR.No.7806

+1cc to Mr.J. Michael Visuvasam, Advocate SR.No.7513

DATED : 30/01/2020

DECREE :

C.M.A. No.1678 of 2013

Partly allowoing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 05.12.2007 made in M.C.O.P.No.318 of 2006 on the file of the Motor Accident Claims Tribunal cum I Additional Sub-Court, Coimbatore, etc.,as stated therein.

PPA(CO)
GMY(09/09/2021)