



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

WEB COPY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.3411 of 2013

The Branch Manager
M/s.New India Assurance Co. Ltd.
No.110, Gandhi Road
Arni.

.. Appellant/ Petitioner

Vs.

1.Bhavani

2.S.Chitra

.. Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 28.02.2013 made in M.C.O.P.No.38 of 2008 on the file of Motor Accident Claims Tribunal, Arni at Tiruvannamalai District.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the order of the Lower court and the material papers in the case and upon hearing the arguments of MR.J.Chandran, Advocate for the Appellant and of Ms.G.Priyanka for Mr.M.Suresh, Advocate for the Respondent 1 and second Respondent Not appearing either in person or by an Advocate by setting aside the finding of the Tribunal with regard to the liability of the Appellant/Insurance Company doth order and decree as follows:

i) that the award of Rs.12,000/- (Rs.Twelve Thousand Only) awarded by the Tribunal as compensation to the 1st respondent, along with interest and costs be and hereby is confirmed.

ii) that the 2nd respondent, owner of the minidor vehicle, be and hereby is directed to deposit the amount awarded by the Tribunal along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment.

iii) that on such deposit being made, the 1st respondent is permitted to withdraw the award amount along with interest and costs, less the amount if any, already withdrawn.



iv)that the appellant herein/Insurance Company be and hereby is permitted to withdraw the award amount lying in the deposit to the credit of M.C.O.P.No.38 of 2008 on the file of Motor Accident Claims Tribunal, Arni at Tiruvannamalai District, if the entire award amount has already been deposited by them.

v)that if the appellant herein/Insurance Company has deposited the entire award amount and the 1st respondent has already withdrawn the entire award amount, it is open to the appellant herein/Insurance Company to recover the same from the 2nd respondent, owner of the vehicle.

vi)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Deputy Registrar(Lok Adalat)

//True Copy//

Sub Assistant Registrar

To

1.The Principal District Judge
Motor Accident Claims Tribunal
Arni at Tiruvannamalai District.

2.The Section Officer
VR Section
High Court
Madras.

Dated:16.12.2020

DECREE

C.M.A.No.3411 of 2013

Allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree of the Motor Accident Claims Tribunal, Arni at Tiruvannamalai District dated 28.02.2013 made in M.C.O.P.No.38 of 2008 etc as stated within.

AD(CO)

A.SK(14.09.2021)