



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

C.M.A.No.646 of 2016

M/s.Chief Manager, Oriental Insurance Co. Ltd.,
Third Party's Claims Hub, New No.216,
Old No.115, Prakasam Salai, Broadway,
Chennai - 108. ... Appellant/ Respondent2

/versus/

1. S.Mani,
2. Dhanabakkiyam,
3. S.Periyan,
4. Anjalai,
5. T.Kamatchi.
6. V.Gowri, ... Respondents/ Petitioners & Respondent1

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying against the decree and judgment dated 26.11.2015, made in M.C.O.P.No.2006 of 2012 on the file of Motor Accident Claims Tribunal (1 Additional District Court), Cuddalore.

Decree:This 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 Mrs.Elveera Ravichandran,Advocate for the Appellant and Respondent Not appearing either in person or by an Advocate and this court while observing that the learned Counsel for the appellant herein/the Insurance Company stated that pursuant in order passed by this Court having been deposited the entire compensation into the credit of MCOP.NO.2006/2012 and this Court while allowing this Civil Miscellaneous Appeal in part by modifying the award of the Tribunal,doth order and decree as follows:

i)that the award of the Tribunal be and hereby is reduced from Rs.4,56,000/- to Rs.3,55,020/-(Rs.Three Lakhs Fifty Five Thousand Twenty Only) together with interest at the rate of 7.5% from the date of numbering the petition till the date of realisation.

ii)that the appellant herein/Insurance Company be and hereby is directed to deposit the award amount with interest @ 7.5%,



within a period of 8 weeks, from the date of receipt of the award.

iii)that the 1st Respondent herein/1st claimant be and hereby is entitled to Rs.2,00,000/-(Rs.Two Lakhs Only) and that the 2nd to 5th Respondents herein/2nd to 5th Claimants be and hereby are entitled to Rs.1,55,020/- (shared equally each)

iv)that the Respondents 1 to 5/ claimants1 to 5 be and hereby are permitted to withdraw the modified award amount with accrued interest, less the amount already withdrawn by the them, if any.

v)that the Appellant herein/Insurance company be and hereby is peremitted to withdraw the balance amount less the money payable to the Claimants.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Copy To:-

1.The Motor Accident Claims Tribunal
(1 Additional District Court), Cuddalore.

2.The Section Officer, V.R.Section, High Court, Madras.

+1cc to Mrs.Elveera Ravichandran, Advocate SR.No. 37339

Dated:19.11.2020
DECREE
C.M.A.No.198 of 2016

Patly allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree dated 26.11.2015, made in M.C.O.P.No.2006 of 2012 on the file of Motor Accident Claims Tribunal (1 Additional District Court), Cuddalore etc as stated within.

A.SK(13.09.2021)