

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.M.A. No.1654 of 2020

and

C.M.P. No.12185 of 2020

The Branch Manager,
Cholamandalam MS General Insurance
Company Limited,
Branch Office,
No.74/22, F-II, 3rd Floor,
H.V.Arcade, Near Big Bazaar,
Bagalur Road,
Hosur - 635 109.

...Appellant/2nd Respondent

Vs.

1. Govindammal,
W/o. Late Venkatraman
2. Madhu,
S/o. Late Venkatraman
3. Govindaraj,
S/o. Late Venkatraman
4. Ramesh,
S/o. Late Venkatraman

All are residing at
Periyathottami Village,
Koppakarai Post,
Denkanikottai Taluk.

... Respondent/Claimants

Now residing at
Alapatty Village and Post,
Krishnagiri Taluk and District.

5. Saravanan,
S/o.Chikka Muniyappa,
No.1/102, Bandapalli,

Alessebam Post,
Hosur Taluk,
Krishnagiri District.

... Respondents/1st Respondent

PRAYER:- Civil Miscellaneous Appeal preferred under Section 173 of Motor Vehicles Act against the award and decree dated 31.10.2019 made in MCOP No.85 of 2018 on the file of the Motor Accidents Claims Tribunal Additional District Judge, Hosur.

For Appellant : Mr. N.Vijayaraghavan

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Insurance Company challenging the award passed by the Motor Accidents Claims Tribunal, Additional District Court, Hosur in MCOP No.85 of 2018, dated 31.10.2019.

2. Mr.N.Vijayaraghavan, learned counsel appearing for appellant submitted that he has no grievance with the finding of the Tribunal regarding negligence and the quantum of compensation awarded by the Tribunal. His only grievance is that, pending claim petition, one of the claimants viz., Govindaraj, who was arrayed as 3rd respondent died. Hence, the compensation awarded in favour of the said Govindaraj, should be given to the 1st respondent/wife of deceased Venkatraman.

3. Considering the above circumstances, this Civil Miscellaneous Appeal is dismissed with a direction that the amount awarded in favour of one of sons of deceased viz., Govindaraj, who was arrayed as 3rd respondent herein, is directed to be paid to the 1st respondent herein, who is the wife of deceased, Venkatraman, along with interest. The entire compensation as awarded by the Tribunal, shall be deposited by the appellant/Insurance Company, after deducting the amount, if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, it is for the claimants to move a petition before the Tribunal for withdrawing the said amount. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

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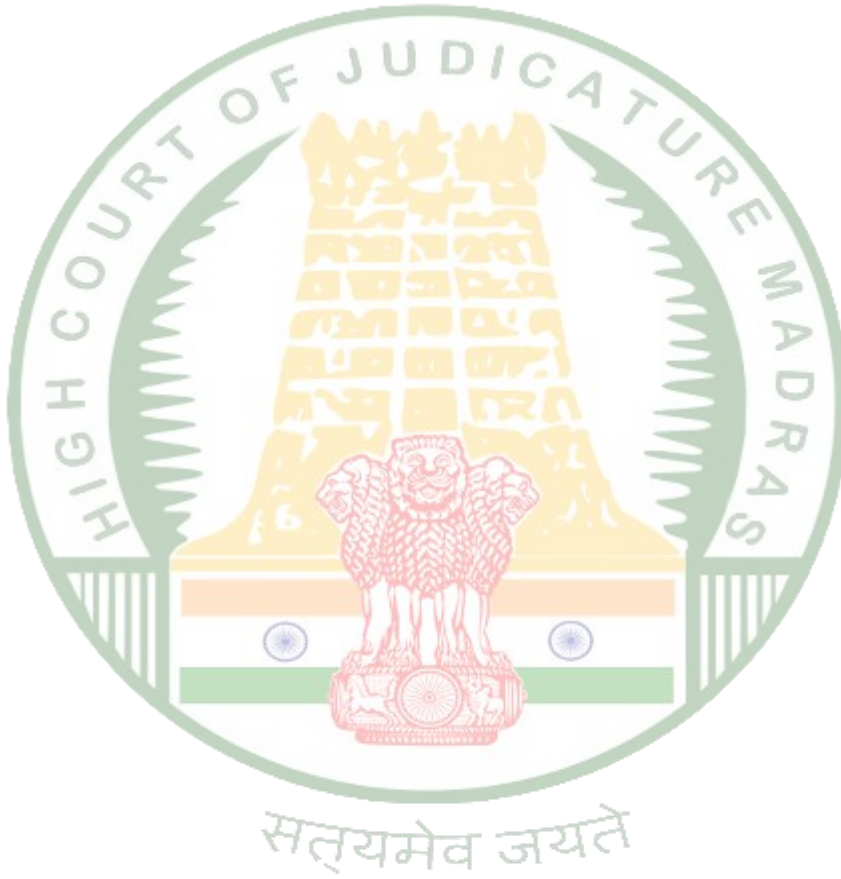
Sub Assistant Registrar

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To
The Motor Accidents Claims Tribunal,
Additional District Judge, Hosur.

C.M.A.No.1654 of 2020
and
C.M.P. No. 12185 of 2020

RSV (CO)
RMP (11/06/2021)



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