

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY

PRESENT:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.No. 349 of 2018

M.Senthil Kumar

...Appellant/ Petitioner

Versus

1.P.V.Venkatesan

2.The Divisional Manager,
New India Assurance Company Ltd.,
Vellore.

...Respondents/ Respondents

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree made in M.C.O.P.No.267 of 2013 dated 20.01.2017 on the file of the Motor Accident Claims Tribunal (I Additional District and Sessions Court), Vellore.

Decree:This Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal , the Order and Decree of the Lower Court and the records in the case and upon hearing the arguments of Mr.C.Prabakaran, Advocate for the Appellant, and of Mr.N.Anand, Advocate for the Respondents, and this Court while fixing 100% contributory negligence on the part of the driver of R1 vehicle and allowing this Civil Miscellaneous Appeal in part, doth Order and Decree as follows:

i)that the Judgment and decree made in M.C.O.P.No.267 of 2013 dated 20.11.2017 on the file of the Motor Accident Claims Tribunal (I Additional District and Sessions Court), Vellore be and hereby is confirmed;

ii)that the New India Insurance Company Appellants in C.M.A.No.349 of 2018 do deposit the entire award amount after deducting the amount, if any, already deposited, along with interest at 7.5% per annum from the date of petition till the date of deposit to the credit of M.C.O.P.No. 267 of 2013 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 Tribunal shall transfer the award amount directly to the bank account of the claimants as per the ratio of apportionment made by the Tribunal, through RTGS, within a period of three weeks

thereafter.

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

Sd/-
Assistant Registrar(I)

//True Copy//

Sub Assistant Registrar

To

1.The I Additional District and Sessions Court,
Motor Accident Claims Tribunal,Vellore.

Copy to:
The Section Officer,
VR Section, High Court,Madras.

+lcc to Mr.N.Anand, Advocate SR.No. 12558
+lcc to Mr.C.prakasam, Advocate SR.No. 11466,11467,11465,11464

DECREE
C.M.A.No. 349 of 2018

Partly allowing this Civil Miscellaneous Appeal against the decree of the Motor Accident Claims Tribunal against the Judgment and decree made in M.C.O.P.No.267 of 2013 dated 20.01.2017 on the file of the Motor Accident Claims Tribunal (I Additional District and Sessions Court), Vellore etc as stated within.

PP(CO)
CB(10/08/2021)