

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE THIRTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY

PRESENT:

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

C.M.A.NO.2766 OF 2014

Oriental Insurance Co. Ltd.,
Regional Office, UIL Building,
Chennai - 8.

...Appellant/2nd Respondent

Versus

1. Kamatchi

2. Chitra

3. Jayanthi

4. Manikanda Prabu

...Respondents 1 to 4/Claimants 1 to 4

5. A.Gandhimathi

...5th Respondent/1st Respondent

6. Saravanan

...6th Respondent/3rd Respondent

7. Royal Sundaram Alliance Insurance Co. Ltd.,
Sundaram Towers,
No.46, Whites Road,
Royapettah, Chennai - 14.

...7th Respondent/4th Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 15.05.2014 in M.C.O.P.No.132 of 2008 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Villupuram.

Decree: This Appeal coming on for hearing on this day upon perusing the Grounds of Appeal, the award of the Lower Court below and the material papers in this case and upon hearing the arguments of Mr.N.Vijayaraghavan, Advocate for the Appellant and of Mr.T.Dhanyakumar, Advocate for the Respondents 1 to 4 and of Mr.M.Krishnamoorthy, Advocate for the 7th Respondent and steps not having been taken to serve notice to the 5th and 6th respondents and this court fixed 50% liability on the insurer of the Maruti Omni Car and 50% liability on the insurer of the Mahendra Van both the driver of the Maruti Omni Car as well as the driver of the Mahendra Van were equally responsible for the accident this court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal doth order and decree as follows:-

i) that the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Villupuram dated 15.05.2014 in M.C.O.P.No.132 of 2008 be and hereby modified by reducing the award of compensation from Rs.20,00,000/- (Rupees Twenty Lakhs only) to Rs.13,54,600/- (Rupees Thirteen Lakhs Fifty Four thousand and Six hundred only);

ii) that out of the award amount as per clause (1) supra the 1st Respondent herein / the mother of the deceased be and hereby is entitled to a sum of Rs.10,54,600/- (Rupees Ten Lakhs Fifty Four thousand and Six hundred only) and the 2nd Respondent and 3rd Respondent herein / two sisters of the deceased be and hereby are entitled each for a sum of Rs.1,00,000/- (Rupees one Lakh only) and 4th Respondent herein / the brother of the deceased is entitled to a sum of Rs.1,00,000/- (Rupees one Lakh only);

iii) that the Appellant herein / Oriental Insurance Company and the 7th Respondent herein / Royal Sundaram Alliance Insurance Company be and hereby are directed to deposit the award amount modified by this Court, since this Court fixed each 50% liability on both the Insurance Companies, deduct 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.132 of 2008 within a period of eight (8) weeks from the date of receipt of a copy of this judgment;

iv) that on such deposit being made, the Tribunal is directed to transfer the award amount directly to the respective bank account of the claimants, as per the award re-determined by this Court, through RTGS, within a period of three weeks thereafter;

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

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate Court,
Villupuram.

Copy To

The Section Officer,
VR Section,
High Court, Madras.

DATED : 13/01/2020

DECREE :

C.M.A.No.2766 of 2014

Allowing the Civil Miscellaneous Appeal in part preferred against the Judgment and Decree dated 15.05.2014 made in M.C.O.P.No.132 of 2008 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Villupuram and etc as stated within.

VBA(CO)
RLP(09/09/2021)