

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.Nos.3069 of 2014

Venkatesh

.. Appellant/Petitioner

Vs.

1.R. Shanmugavel

2.The Oriental Insurance Co. Ltd.,
Divya Towers, 2nd Floor, Western Part,
15/1, Fort Main Road, Salem - 1.

.. Respondents/Respondents

Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 04.06.2014, made in M.C.O.P. Nos.1348 of 2012, on the file of the Motor Accident Claims Tribunal/Special Sub Court No.1, Salem.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.C.Anbu for M/s.R.Syed Mustafa, Advocate for the Appellant and Mr.J.Chandran, Advocate for the Second Respondent and none appearing for the 1st respondent and, this Court holding that the appellant in the appeal is entitled to 70% of the compensation awarded by the Tribunal, by reducing the negligence on the part of the appellant to 30% and, this court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:

- 1.that the quantum of compensation awarded by the Tribunal together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit be and hereby is confirmed.
- 2.That the 2nd respondent herein/Insurance company be and hereby is directed to pay 70% of the award amount, (i.e.)Rs.1,13,400/-(Rupees One lakh Thirteen thousand and four hundred only) 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;

- 3.that on such deposit being made, the appellant herein/claimant is permitted to withdraw the award amount along with interest and costs, after adjusting the amount if any already withdrawn, by filing necessary application before the Tribunal.
- 4.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

1.The Special Subordinate Judge No.1,
(Motor Accident Claims Tribunal),
Salem.

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

+1cc to Mr.M.R.Thangavel, Advocate, S.R.No.38905
+1cc to Mr.J.Chandran, Advocate, S.R.No.39159(13/09/2021)

C.M.A.No.3069 of 2014
Nature of Decree: Partly allowing
the Civil Miscellaneous Appeal
preferred against the judgment
and Decree dated 04/06/2014 made
in MCOP.NO.1348/2012 on the file
of the Motor Accidents Claims
Tribunal/Special Sub Court NO.1,
Salem etc., as stated therein.

SPD(CO)
CB(24/08/2021)