



IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

WEB COPY

PRESENT:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.M.A. No. 2314 of 2017

New India Assurance Co. Ltd.,
F6, Visitors Road,
Block 2, Neyveli Township,
By its Divisional Manager.

... Appellant/ 2nd Respondent

Versus

1.Michael Raj
2.Savariyammal
3.Gnanaraj
4.Kalaivanan

.. Respondents 1 to 3/ Petitioners 1 to 3
...4th Respondent/1st Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 23.01.2017 made in M.C.O.P. No.43 of 2015 on the file of the Learned Motor Accident Claims Tribunal (Subordinate Judge) at Neyveli, Cuddalore District.

Decree: This Civil Miscellaneous 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 MR.J.Chandran, Advocate for the Appellant and of Mr.N.Desinghu, Advocate for the Respondents 1, 2 & 3 and the Fourth Respondent ex parte in lower Court itself 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 Judgment of Motor Accident Claims Tribunal, Subordinate Judge, Neyveli Cuddalore District dated 23.01.2017 made in M.C.O.P. No.43 of 2015 be and hereby is set aside.

ii) that the Appellant/Insurance Company do pay a Sum of Rs.1,00,000/- (Rupees One Lakh Only) as compensation to the respondents 1 to 3/ Petitioners 1 to 3 within a period of four weeks from the date of receipt of copy of this judgment.



iii)that the respondents 1 to 3/ Petitioners1 to 3 are be and hereby is entitled to interest at the rate of 7.5% from the date of claim petition till the date of realization.

iv)that the appellant/Insurance Company be and hereby is permitted to withdraw the excess amount, together with interest deposit by it,than the award by this Court in this judgment.

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

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

The Subordinate Judge,
(Motor Accident Claims Tribunal),
Neyveli.

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

+1cc to Mr.Chandran, Advocate SR.No. 42329

Dated:17.12.2020
DECREE
C.M.A. No.2314 of 2017

Allowing the Civil Miscellaneous Appeal in part preferred against the Judgment and decree dated 23.01.2017 made in M.C.O.P. No.43 of 2015 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Neyveli Cuddalore District etc as stated within.

MG (CO)
A.SK (08.09.2021)