



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

C.M.A(MD) No.1175 of 2008

M/s.United India Insurance Co. Ltd.,
Madras - 79.

... Appellant/2nd Respondent

Vs.

1.Veerasamy

2.Jeya

3.T.S.Dakshinamurthy

... Respondents 1 and 2/ Petitioners

...3rd Respondent / Respondent No.1

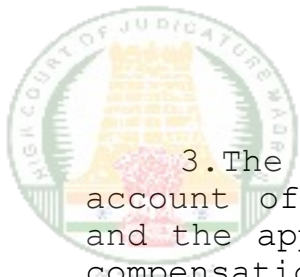
Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 30.03.2004 passed in M.C.O.P.No.1224 of 2000 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Tiruchy.

For Appellant	: Mr.G.Prabhu Rajadurai
For Respondent 1 and 2	: Mr.K.Raghunathan
R3	:Dismissed vide order dated 25.06.2018

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Insurance Company, challenging the award dated 30.03.2004 made in M.C.O.P.No.1224 of 2000 on the file of the of the Motor Accidents Claims Tribunal (Subordinate Judge), Tiruchy.

2.The respondents 1 and 2 herein filed the said claim petition seeking a compensation of Rs.4,00,000/- (Rupees Four Lakhs only) as compensation for the death suffered by their son, Kannan on 02.09.1999. The case of the respondents 1 and 2 herein is that when one Kannan was driving a lorry and trailer bearing registration No.AP-12/F-2443 on the extreme left side of the bye pass road near Namakkal lorry owners association, the lorry bearing registration No.TN-04/A-7977 belonging to the third respondent herein dashed against the said Kannan, since it was driven in a rash and negligent manner.



3.The Tribunal gave a finding that the accident took place on account of the rash and negligent driving of the third respondent and the appellant and third respondent herein are liable to pay the compensation.

WEB COPY

4.On the side of the appellant, it is stated that there is no dispute regarding the quantum and liability. But as far as the rate of interest is concerned, the rate of interest ie., 9% p.a. as awarded by the Tribunal is on the higher side and therefore, the same may be reduced.

5.The respondents have no objection in reducing the interest to 7.5% p.a.

6.So far as the rate of interest awarded by the Tribunal is concerned, as rightly stated by the appellant/Insurance company, the rate of interest ie., 9% p.a. awarded by the Tribunal is on the higher side. The learned counsel appearing for the claimants has also fairly accepted the same. In all the motor accident cases, interest at the rate of 7.5% p.a. is uniformly followed and hence, the rate of interest awarded by the Tribunal in this case is reduced from 9% p.a. to 7.5% p.a. Except the above modification, this Court does not find any reason to interfere with the award passed by the Tribunal.

7.In view of the above, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal is confirmed. The appellant/Transport Corporation is directed to deposit the entire award amount to the credit of M.C.O.P.No.1224 of 2000, on the file of the Motor Accidents Claims Tribunal-Sub Judge, Trichy, less the amount already deposited, if any, along with interest at the rate of 7.5% per annum from the date of petition till date of realization and costs, within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit, the Tribunal is directed to transfer the award amount to the credit of the claimants/respondents 1 and 2, from the date of furnishing the bank details, within a period of two weeks thereafter. No Costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Mrn

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Thiruchirappalli.

Copy to:

The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-5589[F] dated
11/02/2020)

C.M.A(MD) No.1175 of 2008

10.02.2020

KK/17.03.2020/ 3P- 5C