



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Eighth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice M.DURAISWAMY
AND

The Hon`ble Mr.Justice T.RAVINDRAN
C.M.A. (MD). No.779 of 2018

WEB COPY

IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED.,
NO.28 (OLD NO.195) I & II North Usman Road,
T.NAGAR
CHENNAI 600 017.

Appellant / 2nd respondent

Vs

1 AROCKIA VALANARASU

1st respondent / Petitioner

2 SOUTH INDIA CORPORATION LTD
ANNASALAI,
GUNDI, CHENNAI 600 032.

2nd respondent /1st respondent

3 THE SUPERINTENDENT OF POLICE
RAMANATHAPURAM.

3rd respondent /3rd respondent

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, against the award dated 24/10/2017 made in M.C.O.P. No. 96 of 2010 on the file of the Motor Accident Claims Tribunal/ Subordinate Court, Devakottai.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing on this day; upon perusing the grounds of Appeals, the award of the Tribunal and the material papers to this case and upon hearing the arguments of MR. V. Sakthivel, Advocate for the Appellant, Mr. R. Maheswaran, Advocate for 1st respondent and Mr. V.R. Shanmuganathan, Spl. Government Pleader for 3rd respondent; the learned Counsel for the appellant/ Insurance Company submitted that pursuant to the orders of this Court, the appellant/ Insurance Company had deposited the entire award amount together with accrued interest and costs to the credit of M.C.O.P. No.96 of 2010 on the file of the Motor Accident Claims Tribunal/ Subordinate Court, Devakottai, which, in turn, was directed to be transferred to the Indian Bank, High Court Branch, Madurai and deposited to the credit of C.M.A.(MD)No.634 of 2018 on the file of this Court, in an interest bearing account till the disposal of this appeal and this Court, by order dated 21/08/2019, permitted the first respondent/ Claimant to withdraw 35% of the amount deposited by the appellant/ Insurance Company; and this Court while allowing this Appeal in part and modify the award of the Tribunal; doth order and decree as follows:-



1. That the award dated 24/10/2017 made in M.C.O.P. No. 96 of 2010 on the file of the Motor Accident Claims Tribunal/ Subordinate Court, Devakottai be and hereby is reduced from Rs.29,08,878/- (Rupees Twenty nine lakhs Eight thousand Eight hundred and seventy eight only) to Rs.25,53,413/- (Rupees Twenty five lakhs Fifty three thousand four hundred and thirteen only);
2. That the first respondent herein / claimant shall withdraw the award amount, less the amount already withdrawn by him;
3. That the Insurance company shall withdraw the excess amount, over and above the amount awarded in this appeal, if any; and
4. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The Subordinate Court,
Motor Accident Claims Tribunal,
Devakottai.

- + 1CC to Mr.V. Sakthivel, Advocate in Sr. No.3482.
- + 1CC to Mr.R. Maheswaran, Advocate in Sr. No. 3789.

ORDER DATED 28.01.2020
C.M.A (MD) No.779 of 2018

Allowing in part the Civil Miscellaneous Appeal preferred against the award dated 24/10/2017 made in M.C.O.P. No. 96 of 2010 on the file of the Motor Accident Claims Tribunal/ Subordinate Court, Devakottai etc., as stated within.

KK/SAR/12.02.2020/2P-4C/