



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A. No. 414 of 2021

The Manager,
ICICI Lombard General Insurance Co.Ltd,
ICICI Lombard House, No.414, Veer Savarkar Marg,
Near Sidhi Vinayagar Temple,
Prabhadevi, Mumbai-400 025. .. Appellant/2nd Respondent

Versus

- 1.Prem
- 2.Minor.Chidanand Venky Prem
(Minor rep. by his natural guardian
father and next friend Prem/1st respondent herein)
..1st & 2nd Respondents/ Petitioner
- 3.N.Arunkumar
(2nd respondent/1st respondent herein
remained ex-parte, hence notice
may be dispensed with) ..3rd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 26.08.2019 made in M.C.O.P.No.90 of 2018 on the file of the Motor Accidents Claims Tribunal, Cum Special District Judge Motor Accidents Claims Cases, Krishnagiri.

Decree:This Civil Miscellaneous Appeal coming on for hearing on Monday, the Fifteenth day of March 2021, and upon perusing the Grounds of Appeal, the award of the Tribunal below and the material papers in the case and upon hearing the arguments of Mr.K. Poomalai, Advocate for the Appellant and of Mr. K. Prasana for Mr. Mukund R.Pandian, Advocate for the Respondents 1 & 2 and having stood over for the consideration till this day 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 award of the Motor Accidents Claims Tribunal, Cum Special District Judge Motor Accidents Claims Cases, Krishnagiri made in M.C.O.P.No.90 of 2018 be and hereby is reduced to Rs.1,37,75,500/- (Rupees one Crore Thirty Seven Lakhs Seventy Five Thousand Five Hundred only) from Rs.1,96,36,400/- (Rs.One Crore Ninety Six Lakhs Thirty Six Thousand and Four Hundred only) together with interest and costs.



ii)that the Appellant/Insurance Company is directed to deposit the modified award amount, after adjusting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment.

WEB COPY

iii)that the appellant herein/Insurance Company be and is permitted to withdraw excess amount, if any lying in the Court deposit.

iv)that on such deposit being made, the 1st respondent/Claimant be and hereby is entitled to a sum of Rs.60 lakhs with proportionate interest and costs and the minor 2nd respondent is entitled to the balance sum of Rs.77,75,500/- with proportionate interest and costs.

v)that as far as the share of the minor claimant, namely the 2nd respondent herein/Claimant is concerned, his share shall be deposited by the Tribunal in any Fixed Deposit Scheme in any nationalised Bank and it shall be renewed periodically till he attains majority and the interest accrued thereon shall be withdrawn by the 1st respondent/father once in three months.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Special District Judge,
Motor Accidents Claims Tribunal
Motor Accidents Claims Cases,Krishnagiri.

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

+1 cc to Mr.Mukund R.Pandian, Advocate Sr.NO.20347

+1 cc to Mr.K. Poomalai, Advocate Sr.NO. 20312

DATED:29.03.2021

DECREE

C.M.A.No.414 of 2021

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 26.08.2019 made in M.C.O.P.No.90 of 2018 on the file of the Motor Accidents Claims Tribunal, Cum Special District Judge Motor Accidents Claims Cases, Krishnagiri etc as stated within.