

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CMA NO.1221 OF 2011

S.Dhanasekaran

...Appellant / Claimant

Vs.

1.M.Kalyani (deceased),

2.The Divisional Manager,
United India Insurance Company Limited,
Katpadi Road, Vellore 632 004.

3.S.Vijyaya

4.The Divisional Manager,
United India Insurance Company Limited,
Katpadi Road, Vellore 632 004.

5.Mani

6.Shanmugam

(RR5 & 6 are brought on record as LRs
of the deceased R1 vide order of this
Court dated 28.03.2019 made in
MP No.2 and 3 of 2014 in CMA No.1221 of 2011)

...Respondents / Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against Decree and Judgment passed by the Subordinate Judge, Motor Accident Claims Tribunal, Ranipet dated 30.11.2009 made in MCOP No.213 of 2006.

Decree : This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the Decree and Judgment of the Lower Court and perusing the Tribunal record, and upon hearing the arguments of Mr.M.Sivakumar, Advocate appearing for the appellant and of Mr.S.Arunkumar, Advocate appearing for 2nd and 4th respondents and the first respondent having reported died, and despite notice having been served to the fifth and sixth respondents no one appeared on behalf of them, and this Court while allowing the appeal, in part, doth order and decree as follows:

1. That the quantum of compensation passed by the Tribunal stands confirmed;
2. That the award passed by the Subordinate Judge, Motor Accident Claims Tribunal, Ranipet dated 30.11.2009 made in MCOP No.213 of 2006 be and hereby is modified to the effect that the 2nd respondent herein / Insurance Company be and hereby is directed to initially pay the compensation as awarded by the Tribunal in the claim petition in MCOP No.213 of 2006 within a period of 12 weeks (twelve) from the date of receipt of a copy of this order, less the amount already deposited and thereafter recover the same from the first respondent herein / owner of the autorickshaw; and
3. That on such deposit being made the appellant herein / claimant be and hereby is entitled to withdraw the same after following due process of law, and
4. That there be no costs in this appeal.

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

mst

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Ranipet, Vellore.

Copy To

The Section Officer,
V.R.Section,
High Court, Madras. (2 copies)

+1cc to Mr.C.Prabakaran, Advocate SR.No.2000

DATED : 18.01.2021

DECREE

CMA.NO.1221 OF 2011

Nature of the Decree : Allowing the appeal in part, against the decree and Judgment passed by the Subordinate Judge, Motor Accident Claims Tribunal, Ranipet dated 30.11.2009 made in MCOP No.213 of 2006 etc., as stated within.

EV(CO)
RVM(22/09/2021)