



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1280 of 2016

1.Venkatachalam
2.Jothimani

... Appellants

..Vs..

1.Sathiskumar
2.ICICI Lombard General Insurance Company Ltd.,
Vigneswara Gesta, 1095, Avinashi Road,
Pappanayakkanpalayam,
Coimbatore - 641 037.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 06.09.2013 made in MCOP.No.421 of 2008 on the file of the Motor Accident Claims Tribunal (Sub Judge at Dharapuram).

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of the Petition, the order of the Lower Court and material papers in this case and upon hearing the arguments of Mr.Lokesh, Counsel for Mr.Ma.P.Thangavel, Counsel for the appellants and Mrs.R.Sreevidhya, Counsel for the Respondent NO.2 and not ready in notice regarding Respondent No.1, this Court, while allowing the Civil Miscellaneous Appeal in part, doth order and decree as follows:

i) That the judgment and decree dated 06.09.2013 passed by the Motor Accident Claims Tribunal in MCOP.No.421 of 2008 and awarding a compensation of Rs.4,47,920/- in the ratio of 1:1 between the Appellants, be and hereby is set aside;

ii) That the Second Respondent Insurance Company be and hereby is directed to deposit the amount awarded by this Court i.e., Rs.4,47,920/- (Rupees Four Lakhs Forty Seven Thousand Nine Hundred and Twenty only) together with interest @ 12% per annum from the date of claim till the date of deposit, excluding the period of delay in filing this appeal, after deducting the amount already deposited if any, to the credit of MCOP.No.421 of 2008 within a period of four weeks from the date of receipt of a copy of this Judgment;



iii) That on such deposit being made, the Tribunal be and hereby is directed to transfer the amount lying to the credit of MCOP.No.421 of 2008 to the bank account of the respective Appellants/claimants in the ratio of 1:1 through RTGS within a period of one week thereafter.

iv) That there be no costs in the above Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

To

1. The Sub Judge at Dharapuram
The Motor Accident Claims Tribunal,

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

+1cc to Mrs.R.Sreevidhya, Advocate SR.No.24647

+1cc to Mr.Ma.P.Thangavel, Advocate SR.No.25075

DATED : 22.04.2021

DECREE :

C.M.A.No.1280 of 2016

Allowing the Civil Miscellaneous Appeal in part against the judgment and decree dated 06.09.2013 made in MCOP.No.421 of 2008 on the file of the Motor Accident Claims Tribunal (Sub Judge at Dharapuram), as stated within.

GMV (24/06/2022)