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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2088 of 2015

Cholamandalam MS General Insurance Co. Ltd.,
Dare House, NSC Bose Road,
Chennai - 1.

... Appellant/2nd Respondent

..Vs..

1.Minor Pradeep Kanishkar
(Minor Rep. by his father and next friend Velu)
...1st Respondent/Petitioner

2.A.Gandhimathy ...2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree in MCOP.No.2966 of 2010 dated 13.10.2014 on the file of the Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai.

Decree : This Civil Miscellaneous Appeal coming on for hearing as to admission on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.E.Rajadurai for Mr.N.Vijayaraghavan, Advocate for the Appellant and Mr.F.Terry Chella Raja, Advocate for the 1st Respondent and 2nd Respondent not appearing in person or by Advocate having set exparte in Lower Court itself this Court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:

1) that the award of the Tribunal be and hereby is reduced to Rs.6,75,000/- (Rupees Six lakhs seventy five thousand only) from Rs.10,00,000/- (Rupees Ten lakhs only) (Tribunal award) together with interest and costs;

2) that the Appellant/Insurance Company be and hereby is deposited the entire amount awarded by the Tribunal award amount now determined by this Court along with interest;



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3) that the appellant/claimant/respondent shall be permitted to withdraw the award amount deposited by them before the Tribunal by filing an appropriate application along with interest and costs, less the amount if any, already withdrawn;

4) that the tribunal be and hereby is transfer the amount lying to the credit of MCOP.No.2966 of 2010 to the bank account of the first respondent/claimant through RTGS within a period of one week thereafter;

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal,
VI Court of Small Causes, Chennai

Copy To

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

+lcc to Mr.F.Terry Chella Raja, Advocate SR.No.26925

DATED : 30/04/2021

DECREE :

C.M.A.No.2088 of 2015

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 13.10.2014 made in MCOP.No.2966 of 2010 on the file of the Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai, etc., as stated therein.

MG (CO)
GMY (25/10/2021)