

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2042 of 2013

1.Andal
2.Sellammal
3.Periyasamy

... Appellant/Petitioner

Vs.

1.Oriental Structural Engineering Pvt.Ltd.,
Ulundurpet Taluk.

2.The Oriental Insurance Co. Ltd.,
Chennai-1. ... Respondents/ Respondents

Civil Miscellaneous Appeal against the Judgment and Decree dated 21.08.2012 and made in M.C.O.P.No.56 of 2011 on the file of the Motor Accident Claims Tribunal (Principal Sub Court) Vridhachalam.

Decree:This Civil Miscellaneous Appeal coming on for hearing on Monday, the Fourteenth day of December 2020 and upon perusing the Grounds of Appeal,the order of the Lower court and the material records thereupon and upon hearing the arguments of MR.S.Udaya Kumar,Advocate for the Appellant and of Mr.K.Vinod,Advocate for the 2nd Respondent and regarding the 1st Respondent not ready in notice and this matter having stood over for consideration till this day this Court while fixing 30 % contributory negligence on the part of the Appellant and remaining 70 % negligence on the part of the contractor and the driver of the insured tractor and this court allowing this appeal in part doth order and decree as follows:

i)that the 2nd Respondent/Insurance Company be and hereby is directed to deposit a sum of Rs.14,24,000/- (Rs.Fourteen Lakhs Twenty Four Thousand Only) together with interest at 7.5% per annum from the date of claim petition till the date of deposit,less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment.

ii)that on such deposit being made, the appellant/Petitioner is permitted to withdraw the same, less any amount already withdrawn, by filing suitable applications before the Tribunal.

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

Sd/-
Deputy Registrar(Lok Adalat)

//True Copy//

Sub Assistant Registrar

To

The Principal Sub Court,
Motor Accident Claims Tribunal,
Vridhachalam.

Copy to:
The Section Officer,
VR Section, High Court, Madras.

+1cc to Mrs.Elveera Ravindran, Advocate SR.No. 2059

Dated:19.01.2021
DECREE
C.M.A.No.2042 of 2013

Allowing the appeal in part preferred against the Judgment and decree dated 21.08.2012 and made in M.C.O.P.No.56 of 2011 on the file of the Motor Accident Claims Tribunal (Principal Sub Court) Vridhachalam etc as stated within.

VG I (CO)
A.SK(21.09.2021)