



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT

The Honourable Mr. Justice ABDUL QUDDHOSE

Civil Miscellaneous Appeal No.1376 of 2016

U. Michael Rua

...Appellant/Claimant

Vs

1. A. Jaggir Hussain

2. Bajaj Allianz General Insurance

Company Ltd., Chennai-41.

Flat No. F2, Ground Floor, Doorn No. 30,

M.G. Road, Sashtri Nagar, Thiruvannamiyur,

Chennai-600 041.

...Respondents/Respondents

Prayer : Appeal against the order of the Motor Accidents Claims Tribunal, V Judge, Small Causes Court, Chennai dated 20.4.2015 and made in MCOP.No.506 of 2011.

Decree : This Appeal coming on for hearing on this day and upon perusing the grounds of petition of Appeal, the order of the Lower Court, and upon hearing the arguments of Mr. F. Terry Chella Raja, Advocate for the Appellant and of Mr. R. V. Sivaraj, Advocate for the Second Respondent, and the First Respondent is set aside before the Tribunal, and this Court while observing that at the time of passing the award, the Tribunal itself permitted that appellant herein/claimant to withdraw 50% of the award amount after deposit of the award amount by the Second Respondent herein/Insurance Co, and this Court while allowing the appeal in part doth order and decree as follows:

1) that the Second Respondent herein/ Insurance Co do pay a sum of Rs.4,04,056/- (Rupees Four lakhs for thousand fifty six only) instead of a Sum of Rs.3,48,004/- (Rupees Three lakhs forty eight thousand four only) towards compensation awarded by the Tribunal.

2) that the Second Respondent herein/Insurance Co be and hereby is directed to deposit the entire award amount as determined by this Court together with interest and costs at the rate of 7.5% per annum from the date of petition till date of



realization less the amount already deposited if any to the credit of the claim petition within two weeks from the date of receipt of a copy of this order.

3) that on such deposit, that the Tribunal be and hereby is directed to transfer the balance award amount together with interest lying to the credit of the claim petition directly to the bank account of the appellant herein - claimant through RTGS within two weeks thereafter;

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal
(V Small Causes Court), Chennai.

Copy To

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mrs.M.Malar, Advocate SR.No.35761

+1cc to Mr.J.Michael Visuvasam, Advocate SR.No.35781

DATED : 26/07/2021

DECREE :

CMA.No.1376 of 2016

Allowing in part of Appeal preferred against the judgment and decree dated 20.4.2015 and made in MCOP.No.506 of 2011 on the file of the Motor Accidents Claims Tribunal, V Judge, Small Causes Court, Chennai, etc., as stated within.

PA(CO)
GMY(17/11/2021)