

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.Nos.1555 of 2016
and
Cross.Obj.No.75/2016

M/s.The Oriental Insurance Company Ltd.
Rep. by its Divisional Manager
Vellore.

...Appellant in CMA.1555/2016/
1st Respondent in Cross objection 75/2016/
Respondent2

..Vs..

Tmt.Rajammal (died) ...1st Respondent in CMA.1555 of 2016/
died vide Cross obj.75/16

K.Ellappan, S/o Late
V.Gothanda Chetty ..2nd Respondent
in CMA.1555 of 2016/
1st Cross Objector in Cross objection 75 of
2016/Petitioner

C.Unnamalai
D/o.Late V.Gothanda Chetty3rd Respondent in
CMA.1555 of 2016/
2nd Cross Objector in Cross Objection 75 of 2016/
Petitioner

N.Duraiaraj,
S/o.Nadulan ...4th Respondent in CMA.1555 of 2016/
2nd Respondent in Cross Objection 75 of 2016/
Respondent-1

PRAYER: Civil Miscellaneous Appeals filed under Section
173 of Motor Vehicles Act, 1988 against the award and
Decree dated 26.02.2016, made in M.C.O.P.No.84 of 2013 on
the file of Motor Accident Claims Tribunal (Sub Court),
Gudiyattam, Vellore District.

Prayer in Cross Objection: Cross Objection filed under
order 41 Rule 22 of Civil Procedure code praying to
enhance the compensation amount awarded in judgment and
decree dated 26.02.2016 made in MCOP.NO.84/2013 on the
Motor Accident Claims Tribunal/Sub Court, Gudiyattam,
Vellore District.

Decree: This Civil Miscellaneous Appeal and Cross
Objection coming on for hearing 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.K.Vinod, Advocate for the Appellant in CMA and 1st Respondent in Cross Objection and of Mr.N.Manokaran for Respondent 2 and 3 in CMA and for Cross Objectors in Cross Objection 75/2016 and the 4th respondent in CMA and Second respondent in Cross Objection having been served and not appeared either in person or through Advocate, this Court doth order and decree as follows:

- 1.that the Judgment and Decree dated 26.02.2016 made in MCOP.NO.84/2013 on the file of the Motor Accident claims Tribunal(Sub Court) Gudiyattam, Vellore District be and hereby is confirmed and this Civil Miscellaneous Appeal & the Cross objection are dismissed.
- 2.That the Appellant herein/Insurance Company be and hereby is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of MCOP.NO.84 of 2013, within a period of four weeks(4) from the date of receipt of a copy of this Judgment.
- 3.That on such deposit being made, the Tribunal be and hereby is directed to transfer the award amount directly to the bank account of the respondent 2 and 3/claimants 2 & 3 in CMA and Cross Objectors in Cross Objection through RTGS, within a period of two weeks thereafter.
- 4.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

To

Motor Accident Claims Tribunal (Sub Court),
Gudiyattam, Vellore District.

Copy to:
The Section Officer,
V.R.Section, High Court, Madras-104.

+1cc to Mr.G.Vinodh Kumar, Advocate, S.R.No.32262
+4cc to Mrs.Elveera Ravindran, Advocate, S.R.No.32120,
32121,32122,32123

Order Dated:08.07.2021
C.M.A.Nos.1555 of 2016
Nature of Decree: Dismissing
the Civil Miscellaneous
Appeal and Cross Objection
preferred against the
judgment and Decree dated
26.02.2016 made in
MCOP.NO.84 of 2013 on the
file of the Motor Accidents
Claims Tribunal(Sub Court)
Gudiyattam, Vellore
District, etc., as stated
therein.

PMK (CO)
CB (23/09/2021)