

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE NINETEENTH DAY OF AUGUST

TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA No.1657 of 2016

The Divisional Manager,
The Oriental Insurance Company Ltd.,
Vellore. ... Appellant/2nd Respondent

versus

1. Srinivasan ...1st Respondent/Petitioner
2. Syed Nazeer Ahmed ... 2nd Respondent

Prayer :Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988 against the award and Decree dated 06/04/2016 made in M.C.O.P.No.1389 of 2013 on the file of Motor Accidents Claims Tribunal (Special Subordinate Judge), Tirupattur.

DECREE:This Civil Miscellaneous Appeal 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.D.Baskaran, Advocate for the Appellant and Mr.V.Parivallal, Advocate for the first Respondent and 2nd Respondent having been served not appeared either in person or through counsel and having 10% fixed contributory negligence on the claimants and 90% on the driver of the insured vehicle and this Court, while partly allowing the Civil Miscellaneous Appeal and modifying the award of the Tribunal, doth order and decree as follows;

i)that the Appellant herein/Insurance Company be and hereby is directed to deposit 90% of the award amount i.e., Rs.1,98,522/- (Rupees One Lakh Ninety Eight Thousand Five Hundred and Twenty Two only) reduced from Rs.2,20,580/-(Tribunal award) 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.1389 of 2013 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Judge), Tiruppattur, within a period of four weeks from the date of receipt of a copy of this Judgment;

ii)that on such deposit being made the Tribunal be and hereby is directed to transfer the respective award amount directly to the bank accounts of the 1st Respondent herein/Claimant through RTGS, within a period of two weeks thereafter;

iv)that there be no costs in this Civil Miscellaneous Appeal;

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

- 1.The Motor Accidents Claims Tribunal,
(Special Subordinate Judge),
Tirupathur.
2. The Section Officer,
V.R. Section
High Court of Madras, Chennai - 104.

+1cc to Mr.V.Parivallal, Advocate Sr.42149

Dated:19/08/2021
DECREE
CMA No.1657 of 2016

Partly allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 06/04/2016 made in M.C.O.P. No.1389/2013 on the file of the Motor Accidents Claims Tribunal/Special Subordinate Judge, Tiruppattur, etc., as stated therein.

nk[co]
srg 19/01/2022