

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2415 of 2016

The New India Assurance Company Ltd.,
Motor Third Party Cell,
45, Moore Street, Chennai - 1.

.. Appellant/2nd Respondent

Vs.

1. Pandiyan

.. 1st Respondent/Claimant

2. V. Ettikkan

..2nd Respondent/1st Respondent

Appeal against the award of the Motor Accident Claims Tribunal, II-Court of Small Causes, Chennai dated 15.02.2016.

ORDER:-

This Civil Miscellaneous Appeal coming on for hearing on Thursday, the Fourth day of February Two thousand and Twenty one, upon perusing the grounds of Appeal, the order of the Lower Court, material papers in this case and upon hearing the arguments of Mr. Udayasankar, Counsel for the appellant and of Ms. A. Subadra, Counsel for the 1st respondent and the 2nd respondent having been set exparte before the Tribunal, and having stood for consideration till this day, 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 dated 15.02.2016, made in M.C.O.P.No.12/2010 on the file of the Motor Accident Claims Tribunal, II-Court of Small Causes, Chennai be and hereby modified and reduced from Rs.7,13,000/- (Rupees Seven Lakhs Thirteen Thousand only) compensation to Rs.3,56,000/- (Rupees Three Lakhs Fifty Six Thousand only).

2.That the appellant herein / 2nd Respondent / Insurance Company be and hereby is directed to deposit the modified compensation amount with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date

of receipt of copy of this Judgement.

3. That on such deposit being made, the 1st Respondent herein / Claimant be and hereby is permitted to withdraw the entire award amount by filing an appropriate application before the tribunal, and the Tribunal is directed to make the payments through RTGS.
4. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

AT

To:

The Motor Accident Claims Tribunal,
(II-Court of Small Causes) Chennai.

Copy to:

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

+2ccs to M/s.M.Malar, Advocate, S.R.No.17174, 17175

+2ccs to M/s.G.Udaya Sankar, Advocate, S.R.No.17783, 17784

DATED : 17.03.2021

DECREE

C.M.A.No.2415 of 2016

Allowing the Civil Miscellaneous Appeal in part, modified against the Judgment and Decree dated 15.02.2016 made in M.C.O.P.No.12/10 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai, etc., as stated within.

RSV(CO)
SU(11/10/2021)