



IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY THE TWENTY FIFTH DAY OF MARCH

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.830 of 2013

The Branch Manager,
The New India Assurance Co. Ltd.,
Kumaran Road, Tirupur. ... Appellant/2nd Respondent

Vs.

1. Balamurugan
S/o. S.Mahalingam ...1st Respondent/Claimant
2. Mohan Kumar
S/o. N.Mannarsamy ...2nd Respondent/1st Respondent

Prayer:Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.1051 of 2009 dated 27.09.2011 on the file of the Motor Accidents Claims Tribunal, Fast Track Court - V, Additional District Judge,Coimbatore.

Decree:This Civil Miscellaneous Appeal coming on for hearing on 04.03.2021 and upon perusing the Grounds of Appeal,the order of the Lower court and the material papers in the case and upon hearing the arguments of MR.M.Krishnamoorthy,Advocate for the Appellant and of Mr.Kaithamalai Kumaran, Advocate for the First respondent and Second Respondent set exparte before the Tribunal and this case having stood over for consideration till this day, and this court while partly allowing this appeal doth order and decree as follows:

i)that the award amount be and hereby is reduced from Rs.3,25,400/-(Rs.Three lakhs Twetny Five Thousand Four Hundred Only) to Rs.2,80,000/-(Rs.Two Lakhs Eighty Thousand Only).

ii)that the Appellant herein/Insurance Company be and hereby is directed to deposit the award amount, determined in this appeal, to the credit of M.C.O.P.No.1051 of 2009 on the file of the Motor Accidents Claims Tribunal, Fast Track Court - V, Additional District Judge, Coimbatore with accrued interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit along with costs, through RTGS or NEFT method after adjusting the amount, if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.



iii)that on such deposit being made, the claimant is entitled to withdraw the award amount with accrued interest.

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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal /
Fast Track Court - V,
Additional District Judge, Coimbatore.

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

+1cc to Mr.S.Kaithamalai Kumaran, Advocate SR.No. 19501

Dated:25.03.2021

DECREE

C.M.A.No.830 of 2013

Patly allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree in M.C.O.P.No.1051 of 2009 dated 27.09.2011 on the file of the Motor Accidents Claims Tribunal, Fast Track Court - V, Additional District Judge, Coimbatore etc as stated within.

SS(CO)

A.SK(27.09.2021)