

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.Nos.3454 of 2021

ICICI Lombard General Insurance Company Limited
ICICI Lombard House
414, Veer Savarkar Marg
Near Siddhi Vinayak Temple
Prabhadevi, Mumbai-400025.
Maharashtra State.

... Appellant/2nd Respondent

Vs.

1.R.Saravanan

... 1st Respondent/Petitioner

2.B.Raja

3.The Managing Director
Tamilnadu State Transport Corporation Limited
12, Ramakrishna Road, Salem-636 007.
Salem Taluk and District.
Branch Office-Oonjakoari
Sankari, Bhavani Main Road
Sankari Village and Taluk
Salem District.

... 2nd & 3rd Respondent/1st & 3rd Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the award and Decree dated 10.08.2019 made in M.C.O.P.No.222 of 2014 on the file of Motor Accidents Claims Tribunal/Subordinate Court, Sankagiri.

DECREE: This Civil Miscellaneous Appeal coming as to admission 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.Poomalai, Advocate for the Appellant and of M/s.C.Kulanthaivel, Advocate for the First Respondent this Court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:-

i)That the award of the Tribunal be and hereby is reduced to Rs.17,00,000/- (Rupees Seventeen lakhs only) from Rs.20,00,000/- (Rupees Twenty Lakhs only) (Tribunal award).

ii)That the clause (2) of the decree of the Tribunal by directing the appellant herein/Insurance Company to satisfy the award amount and thereafter recover the same from the owner of the offending vehicle be and hereby is confirmed.

iii)That the appellant herein/Insurance company be and hereby is directed to deposit the modified award amount of Rs.17,00,000/- to the credit of claim petition within a period of eight weeks from the date of receipt of a copy of this order.

iii)That on such, deposit being made, the 1st respondent herein/claimant be and hereby is permitted to withdraw the award amount, less the amount already withdrawn, if any together with proportionate interest and costs.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

To

1.Motor Accident Claims Tribunal,
The Sub Ordinate Judge,
Subordinate Court, Sankari.

Copy To

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

+1cc to Mr.C.Kulanthaivel, Advocate SR.No.66319
+1cc to Mr.K.Poomalai, Advocate SR.No.66002

DATED: 13/12/2021

DECREE:

C.M.A.No.3454 of 2021

Partly allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 10.08.2019 made in MCOP.No.222 of 2014 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sankagiri, etc., as stated therein.

SPD(CO)
GN(09/02/2022)