

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE
PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.3042 of 2019

United India Insurance Company Limited,
Door No.19/2A, Junction Main Road,
Salem - 636 004.

..Appellant/2nd Respondent

Vs.

1.Subramani
2.S.Raju

..1st Respondent/Petitioner
..2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act 1988, against the Judgment and Decree dated 31.10.2018 made in M.C.O.P.No.186/2014 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sankari.

DECREE: This Appeal coming on for hearing on this day upon perusing the grounds of appeal, the award of the Tribunal below, the material papers in this case and upon hearing the arguments of Mr.S.Arun Kumar, Advocate for the Petitioner and of Mr.C.Kulanthaivel, Advocate for the first Respondent and the 2nd Respondent neither appeared in person nor by an Advocate, this Court while allowing the Civil Miscellaneous Appeal and in modification of the award of the Tribunal below, doth order and Decree as follows:

1. That the award and Decree dated 31.10.2018 made in M.C.O.P.No.186/2014 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sankari be and hereby is confirmed;

2. That the 2nd Respondent/Owner of the Car be and hereby is directed to deposit the award amount of Rs. 9,75,000/- (Rupees Nine Lakhs Seventy Five Thousand only) together with proportionate interest and costs within a period of eight weeks from the date of receipt of a copy of this Judgment to the credit of M.C.O.P.No.186/2014 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sankari.

3. That on such deposit being made by the 2nd Respondent/Owner of the Car, the 1st Respondent/Claimant be and hereby is permitted to withdraw the award amount along with interest and costs, less the amount if any already withdrawn by making necessary applications before the Tribunal.

4. That the Appellant/Insurance Company is entitled to recover the amount withdrawn by the 1st Respondent, from the 2nd Respondent.

5. That the Appellant/Insurance Company shall be permitted to withdraw the award amount if any lying in the credit of M.C.O.P.Nos.186/2014, if the award amount has already been deposited by them.

6. That there be no costs in this Civil Miscellaneous Appeal.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Sankari.

2. The Section Officer,
VR Section,
High Court,
Madras.

+1 Cc to Mr.S.Arun Kumar, Advocate sr 16062.

+1 CC to Mr.C.Kulanthaivel, Advocate sr 15966.

Dated: 12.03.2021

DECREE:

C.M.A.Nos.3042 of 2019

Allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 31.10.2018 made in M.C.O.P.Nos.186/2014 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sankari etc as stated within

SMI (CO)
SP (26/10/2021)