



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.M.A.No.2123 of 2018

The Divisional Manager,
New India Assurance Company Ltd.,
CSI Building, 2nd Floor, No.1,
Officer's Line, Near Ooris College,
Vellore District.

... Appellant/R2

/versus/

1. Damodharan,
2. Ramakrishnan,

..R1/ Petitioner
...R2/R1

Prayer: Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the the Motor Accidents Claims Tribunal (Special Subordinate Judge), at Tiruvannamalai dated 24.04.2017 in M.C.O.P.No.243 of 2015.

Decree:This Civil Miscellaneous Appeal coming on for hearing on Thursday, the Fourth day of March 2021 and upon perusing the Grounds of Appeal, the Judgment and decree and pursuing the Tribunal records and upon hearing the arguments of MR.J.Chandran,Advocate for the Appellant and of Mr.B.Jawahar, Advocate for the First Respondent and the Second Respondent notice was not ready and this court observe that the Insurance company herein/ Appellant was already deposit 50% of the award amount with interest in the MCOP.No.243/2015 and the claimant/Dhamodaran in this case is the joint tort-feasor and also the owner of the offending vehicle. Hence, he shall not make any claim against himself and the case having stood over for consideration till this day and this Court while allowing this appeal in part doth order and decree as follows:

i)that the Appellant herein/Insurance Company be and hereby is directed to deposit for a Sum of Rs.5,33,500/- (50% of the award amount) with 7.5% from the date of petition till the date of deposit and the balance 50% of the award amount shall for go for his own contributory negligence of the Claimant namely Dhamodaran in this Appeal.



ii)that the claimant herein/R1 be and hereby are permitted to withdraw the same on appropriate application before the Tribunal.

iii)that the Appellant herein/Insurance Company be and hereby is directed to deposit if any amount yet to be paid within a period of eight weeks from the date of receipt of the copy of this order.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To,

1.The Special Subordinate Judge,
Motor Accidents Claims Tribunal, Tiruvannamalai.

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

+1cc to Mr.J.Chandran, Advocate SR.No. 14943

+3ccs to Mr.B.Jawahar, Advocate SR.No. 15252 to 15254

Dated:09.03.2021

DECREE

C.M.A.No.2123 of 2018

Allowing the appeal in part against the decree and judgment passed by the Special Subordinate Judge, Motor Accident Claims Tribunal Tiruvannamalai dated 24.04.2017 in M.C.O.P.No.243 of 2015 etc as stated within.

EV(CO)

A.SK(06.09.2021)