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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1479 of 2020

The New India Assurance Company
Limited, Thimiri Micro Office
No.34/A, Nehru bazaar
Thirmiri, Arcot Taluk, Vellore District.

... Appellant/2nd Respondent

Vs.

1.S.Usha

2.R.Raja

3.V.Sathiyavani

4.B.Lakshmi

... Respondents 1 to 4/Petitioners 1 to 4

5.K.R.Sasidharan
(5th Respondent remained exparte before
the Tribunal and hence, notice to R5
is dispensed with)

.. 5th Respondent/1st Respondent

Prayer: Appeal against the Order of the Motor Accident Claims
Tribunal, II Additional District Court, Vellore at Ranipet,
dated 09.12.2019 and made in M.C.O.P.No.204 of 2017.

Decree : This Appeal coming on for hearing on this day 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.R.Sivakumar Advocate for the Appellant and of
Mr.C.Premkumar Advocate for the first Respondent steps not
hearing been taken to serve the notice to the Respondents 2 to 4
herein and the fifth respondents herein having remained set
exparte before the tribunal this Court while allowing the Civil
Miscellaneous Appeal in part and in modification of the decree
of the tribunal below doth order and decree as follows:



(i) That the award of compensation passed by the Motor Accident Claims Tribunal, II Additional District Court, Vellore at Ranipet, dated 09.12.2019 and made in M.C.O.P.No.204 of 2017 be and hereby is reduced from Rs.17,67,800/- (Rupees Seventeen Lakhs Sixty Seven Thousand and Eight Hundred only) to Rs.16,87,800/- (Rupees Sixteen Lakhs Eighty Seven Thousand and Eight Hundred only) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

(ii) That the Appellant herein/Insurance Company be and hereby is directed to deposit the award amount now determined by this Court along with interest and costs less the amount already deposited if any, within a period of Six(6) weeks from the date of receipt of a copy of this judgment.

(iii) That on such deposit being made, the respondents 1 to 4 herein the Claimants 1 to 4 be and hereby are permitted to withdraw their respective share of the award amount now determined by this Court, as per the apportionment made by the Tribunal, along with proportionate interest and costs, after adjusting the amount if any, already withdrawn.

(iv) That the Appellant herein/Insurance Company be and hereby is permitted to withdraw the excess amount lying in the deposit to the credit of M.C.O.P.No.204 of 2017 on the file of Motor Accident Claims Tribunal, II Additional District Court, Vellore at Ranipet, if any already deposited by them.

(v) That there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To
1. The II Additional District Judge
Motor Accident Claims Tribunal
Vellore at Ranipet.

Copy to:
The Section Officer
VR Section
High Court, Madras.

+1CC to Mr.R.Sivakumar, Advocate, Sr.No.10343
+1CC to Mr.C.Premkumar, Advocate, Sr.No.10431



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Dated : 19.02.2021

DECREE

C.M.A.No.1479 of 2020

Allowing the Civil Miscellaneous Appeal in part is preferred against the award and decree of the Motor Accident Claims Tribunal, II Additional District Court, Vellore at Ranipet, dated 09.12.2019 and made in M.C.O.P.No.204 of 2017 etc as stated within.

VBM (CO)
K.RK. (22.07.2021)