

IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1652 of 2020

The Branch Manager,
Cholamandalam MS General Insurance
Company Limited,
Tirupattur Branch,
No.46, Pudupet Main Road,
Opp. To IDBI Bank,
Tirupattur, Vellore District. ... Appellant/2nd Respondent

Vs.

1.Meganathan
2.Sivaranjani ... Respondents/Petitioners
3.B.Vignesh ... Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 30.01.2020 made in M.C.O.P.No.1113 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri.

Decree: This Civil Miscellaneous Appeal coming on for hearing 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.E.Rajadurai for M/s.M.B.Gopalan Associates, Advocate for the Appellant and of Mr.Jagadeesan for R1 & R2, R3 set as exparte in lower court, the Civil Miscellaneous Petition allowed in part by modifying the award amount, this court doth order and decree as follows:

1.That the compensation amount awarded by the Tribunal for Rs.10,95,000/- (Rupees Ten lakhs ninety five Thousand only) be and hereby is reduced to Rs.6,25,000/- (Rupees (Six Lakhs Twenty five thousand only).

2.That the 2nd respondents/ Insurance company be and hereby directed to deposit the award amount by the Tribunal, and reduced the amount of Rs.6,25,000/-(Rupees (Six Lakhs Twenty five thousand only) together with interest at 7.5% per annum from the date of numbering of the claim petition till the date of such deposit, less any amount already deposited by it, within a period of six weeks from the date of receipt of a copy of this Judgment.

3.That on such deposit being made that the 1st and 2nd respondents/1st and 2nd claimants be and hereby are permitted to withdraw the award amount together with interest accrued thereon, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

4.That there be no order as to costs in this Civil Miscellaneous Appeal. Connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

arb

To:

1.The Motor Accidents Claims Tribunal,
Special District Court,
Krishnagiri.

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

+1CC to Mr.Mukund R.Pandiyan, Advocate, SR.No.24784

Dated: 22/04/2021

DECREE

C.M.A.No.1652 of 2020

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and award of the Motor Accident Claims Tribunal,/ Special District Court for Motor Accident Claims Cases, Krishnagiri in M.C.O.P.No.1113 of 2018 dated 30.01.2020, etc, as stated therein.

SR II(CO)
B.VC (16/09/2021)