

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MS.JUSTICE V.M.VELUMANI

C.M.A.NO.3267 OF 2019

The Manager
Reliance General Insurance Co. Ltd.
6th floor, Reliance House
Haddows road, Nungambakkam
Chennai-6.

..Appellant / 2nd Respondent

Vs

1.Sakthivel

..1st Respondent / Petitioner

2.M.Rajesh

..2nd Respondent / 1st Respondent

Prayer: Appeal against the order of the Motor Accident Claims Tribunal, Special Sub Court, Tirupattur dated 14.12.2018 and made in M.C.O.P.No.319 of 2014.

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 Mrs.C.Bhuvanasundari Advocate for the Appellant and of Mr.V.kumaravelan Advocate for the First Respondent and Second Respondent having remained exparte before the tribunal this court, while allowing the Civil Miscellaneous Appeal in part and in modification of the decree of the tribunal, doth order and decree as follows:

(i) That the compensation awarded by the Motor Accident Claims Tribunal Special sub court, Tirupattur dated 14.12.2018 made in MCOP.No.321 of 2014 be and hereby is reduced from Rs.18,33,919/- (Rupees Eighteen lakhs thirty three thousand nine hundred nineteen only) to Rs.4,40,959/- (Rupees four lakhs fourty thousand nine hundred fifty nine only) together with interest at the rate of 7.5% per annum from the dated of petition till the date of deposit.

(ii) That the appellant herein / Insurance Company be and hereby is directed to deposit a sum of Rs.1,76,384/- (Rupees one lakh seventy six thousand three hundred eighty four only) being 40% of the compensation 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 1st respondent/ Claimant is permitted to withdraw the award amount now determined by this court, along with interest and costs, after adjusting the amount if any, already withdrawn.

(iv) That the Appellant herein/Insurance Company be and here is permitted to withdraw the excess amount lying in the deposit to the credit of MCOP.No.321 of 2014 on the file of Motor Accident claims tribunal, Special sub court, Tirupattur, if the entire award amount has already been deposited by them.

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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kj

To

The Motor Accidents Claims Tribunal
Special Subordinate Judge
Tiruppattur.

Dated: 11/02/2021

DECREE

C.M.A.NO.3267 OF 2019

Allowing the Civil Miscellaneous Appeal in part is preferred against the award and decree of the Motor Accident Claims Tribunal, Special sub Court, Tirupattur, dated 14.12.2018 made in MCOP.No.321 of 2014 etc as stated within.

VBM(CO)
SB(07/09/2021)