

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE FIRST DAY OF DECEMBER

TWO THOUSAND AND TWENTY ONE

PRSENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.160 of 2014

The New India Assurance Co. Ltd.,
Salem

...Appellant/2nd Respondent

Vs

Periyasamy

...1st Respondent/Claimant

K.Senthilkumar

... 2nd Respondent/1st Respondent

Prayer: Appeal against the order of the Motor Accident Claims Tribunal, III Additional District cum Sessions Court, Kallakurichi dated 27.06.2013 made in M.C.O.P.No.247/2011.

DECREE: This Appeal coming on for hearing on this day upon perusing the grounds of appeal, the Judgment and decree of the Lower Court and the material records in this case and upon hearing the arguments of Mr.M.Krishnamoorthy, Advocate for the appellant and of Mr.A.A.Venkatesan, Advocate for the first Respondent and notice having been served on second Respondent and not appearing either in person or by an advocate this Court, doth order and decree as follows:

1. That the portion of the award of the Tribunal directing the Appellant herein/Insurance Company to pay compensation at the first instance and recover the same, from the Second Respondent herein/Owner of the Vehicle alone, be and hereby is set aside and this Civil Miscellaneous Appeal is allowed.

2. That the amount awarded by the Motor Accident Claims Tribunal, III Additional District cum Sessions Court, Kallakurichi dated 27.06.2013 made in M.C.O.P.No.247/2011 at Rs.60,000/- (Rupees Sixty Thousand only) together with interest at the rate of 7.5% per annum from the date of Petition till the date of deposit be and hereby is confirmed.

3. That the second Respondent herein/Owner of the Vehicle be and hereby is directed to deposit a sum of Rs. 60,000/- (Rupees Sixty Thousand only) along with 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.247/2011.

4. that on such deposit being made, the 1st Respondent herein/Claimant is permitted to withdraw the award amount along with interest and costs as per the apportionment fixed by the Tribunal after adjusting the amount if any already withdrawn by filing necessary applications before the Tribunal.

5. That the Appellant herein/Insurance Company be and hereby is permitted to withdraw the award amount lying in the deposit to the credit of M.C.O.P.No.247/2011 if the entire award amount was already been deposited.

6. That if the 1st Respondent herein/Claimant has already withdrawn the award amount, the Appellant herein/Insurance company is not entitled to recover the same from the 1st Respondent herein/Claimant.

7. that the Appellant herein/Insurance Company be and hereby do recover the same from the second Respondent herein/Owner of the Vehicle.

8. That there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vkr

To

1.The Motor Accident Claims Tribunal
III Additional District cum Sessions Judge,
Kallakurichi.

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

+1 CC to Mr.A.A.Venkatesan, Advocate sr 63059.

Dated: 01.12.2021

DECREE:

C.M.A. No. 160/2014

Allowing the Civil Miscellaneous
Appeal is preferred against the
Judgment and Decree of the Motor
Accident Claims Tribunal, III
Additional District cum Sessions
Court, Kallakurichi dated
27.06.2013 made in
M.C.O.P.No.247/2011 etc as stated
within

VBM(CO)
SP(24/01/2022)