

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE FOURTH DAY OF FEBRAURY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. No.1669 of 2020

The Branch Manager,
Cholamandalam MS General
Insurance Co. Ltd.,
Branch Office,
No.46, Ground Floor,
Pudhupettai Main Road,
Thirupattur.

.. Appellant /2nd Respondent

Vs.

1.Suresh

2.P.Murugan .. Respondents/Petitioners/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 11.11.2019, made in M.C.O.P. No.459 of 2018, on the file of the Special Sub Court, (Motor Accident Claims Tribunal), Krishnagiri.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal ,the Judgment and decree of the Lower court and the material papers in the case and upon hearing the arguments of Mrs.R.Sree Vidhya,Advocate for the Appellant and of Mr.S.Viswanathan for M/s.Dass and Viswa Associates for the first Respondent and the second Respondent Not appearing either in person or by an Advocate and this court while allowing this Civil Miscellaneous Appeal in part and modification of the award amount, doth order and decree as follows:

i)that the amounts awarded by the Special Sub Court, (Motor Accident Claims Tribunal), Krishnagiri made in MCOP.459/2018 Dated 11.11.2019 be and hereby is reduced from Rs.12,78,217/- to Rs.8,57,814/- (Rs.Eight Lakhs Fifty Seven Thousand Eight Hundred and Fourteen 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/Insurance Company be and hereby is directed to deposit the award amount, now determined by this Court, along with interest and costs, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P. No.459 of 2018.

iii)that on such deposit being made, the 1st respondent herein/Claimant be and hereby are permitted to withdraw the award amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal.

iv)that the appellant-Insurance Company be and hereby is permitted to withdraw the excess amount available in the deposit to the credit of M.C.O.P. No.459 of 2018, if any already deposited by them.

v)that it is made clear that if the 1st respondent/Claimant have already withdrawn the award amount, the appellant/Insurance Company be and hereby is not entitled to recover the same from the 1st respondent/Claimant.

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

Sd/-
Deputy Registrar(cs)

//True Copy// Sub Assistant Registrar

To

1.The Special Subordinate Judge,
(Motor Accident Claims Tribunal), Krishnagiri.

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

+2ccs to M/s.Dass and Viswa , Advocate SR.No. 6121

+1cc to Mrs.R.Sree Vidhya , Advocate SR.No. 6858

Dated:04.02.2021

DECREE

C.M.A. No.1669 of 2020

Partly allowing the Civil Miscellaneous Appeal preferred against the award passed by the Special Sub Court, (Motor Accident Claims Tribunal), Krishnagiri dated 11.11.2019, made in M.C.O.P. No.459 of 2018 etc as stated within.

A.SK(31.08.2021)