



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
TUESDAY THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A.No.2807 of 2021

The Branch Manager,
Oriental Insurance Company Limited,
Divisional Office, PLA Building, 1st Floor,
No.12/A, Kovai Road,
Karur - 639 002. ... Appellant/3rd Respondent

Vs.

1.Sakthi Ganesh .. Petitioner
2.S.Ramesh .. 1st Respondent
3.K.V.Kuppusamy ...2nd Respondent/Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the judgment and decree dated 07.11.2019 made in M.C.O.P.No.114 of 2016, on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Coimbatore.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day and 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.D.Bhaskaran, Advocate for the Appellant and of Mr.C.Veeraraghavan, Advocate for the First respondent and this court while allowing this Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:

i) that the award of the Tribunal be and hereby is reduced to Rs.70,00,000/- (Rs. Seventy Lakhs Only) from Rs.94,06,176/- (Rs. Ninety Four Lakhs Six Thousand One Hundred and Seventy Six Only) (Tribunal award) together with interest and costs;

ii) that the compensation amount shall carry interest @7.5% per annum;

iii) that the Appellant/Insurance Company be and hereby is directed to deposit the above modified award amount with accrued interest and costs, less the amount already deposited,



if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of MCOP.NO.114 of 2016.

iv)that on such deposit, the claimant be and hereby is permitted to withdraw the award amount, less the amount less the amount already withdrawn, if any, together with accrued interest and costs.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Special Subordinate Judge,
Motor Accidents Claims Tribunal
Coimbatore.
2. The Section Officer,
V.R.Section, High Court, Madras.

+1 cc to Mr.C.Veeraraghavan, Advocate Sr.NO. 50269
+1 cc to Mr.D.Bhaskaran, Advocate Sr.NO. 50273

DATED:28.09.2021

DECREE

C.M.A.No.2807 of 2021

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 07.11.2019 made in M.C.O.P.No.114 of 2016, on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Coimbatore etc as stated within.

MG (CO)
A.SK(24.11.2021)