

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.456 of 2014

Sathya

.. Appellant/Petitioner

Vs

1.J.Charles

2.The Manager,
National Insurance Co. Ltd.,
No.751, Anna Salai,
III rd floor,
Chennai 600 002.

3.Muthu

.....Respondents/Respondents

Prayer: Appeal against the Order of the Motor Accident Claims Tribunal Additional District Court(Fast Track Court No.II) Chennai, dated 26/11/2009 and made in MCOP.No.5138 of 2003.

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.Amar D.Pandiya Advocate for the Appellant herein and of Mr.Krishnamoorthy Advocate for the Second Respondent herein and the first respondent herein not appeared either in person or by an advocate and third Respondent herein having been reported as "dead", and steps not having been taken to bring on LR's of the deceased third respondent this Court observes that the Insurance Company is liable to pay the compensation as awarded by the Tribunal, this Court while allowing the Civil Miscellaneous Appeal in part and in modification of the award of the tribunal, doth order and decree as follows:

1.that the Second Respondent herein/Insurance Company do pay the compensation as awarded by the Tribunal on the file of the Motor Accident Claims Tribunal, Additional District Court(Fast Track

Court No.II)Chennai, dated 26/11/2009 and made in MCOP.No.5138/2003 to the Appellant herein/Claimant a sum of Rs.35,500/-(Rupees Thirty five thousand only)together with interest at the rate of 7.5% per annum from the date of filing of the appeal dated 27/02/2014, till the date of deposit, along with interest and costs, within a period of eight(8)weeks from the date of receipt of a copy of this judgment.

2.That on such deposit being made, the tribunal be and hereby is directed to disburse the same to the Appellant herein/Claimant in proportionate to the compensation as awarded to her.

3.That the Appellant herein/Claimant be and hereby 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with interest and costs, as per the apportionment fixed by the Tribunal, after adjusting the amount, if any already withdrawn, by filing necessary applications before the tribunal.

4.That the Respondents 1 and 3 herein/owners of the auto be and hereby are permitted to withdraw the award amount, lying in the deposit to the credit of MCOP.No.5138/2003, if the entire award amount has already been deposited by them.

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

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
Additional District Court,
Fast Track Court No.II,
Chennai.

Copy to:

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

+1cc to Mr.M.Selvam, Advocate SR.No. 63643

Order Dated:03/12/2021

C.M.A.No.456 of 2014

Nature of the DECREE: Allowing the Civil Miscellaneous Appeal in part is preferred against the judgment and decree on the file of the Motor Accident Claims Tribunal, Additional District Court(Fast Track Court NO.II) Chennai dated 26/11/2009 made in MCOP.No.5138/2003 etc., as stated within.

VBM(CO)

CB(09/03/2022)