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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE EIGHTEENTH DAY OF JUNE

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.4215 of 2019

and CMP.No.23851 of 2019

The New India Assurance Co., Ltd.,

No.45, Moore Street, Iind Line Beach,

Chennai

.. Appellant/ Respondent 2

vs.

1.N.Uma

2.N.Shriram

3.N.Sai Pradesh

..R1 to R3/ Petitioners1 to 3

4. L.Sathya

(4th respondent set exparte in the

lower court. Hence, notice to him

is dispensed with)

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 17.08.2015 made in M.C.O.P.No.585 of 2012 on the file of the Motor Accidents Claims Tribunal, (VI Court of small causes) Chennai.

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.R.Sivakumar ,Advocate for the Appellant and of Mr.P.Thirupathi Raj, Advocate for the Respondents 1 to 3 and Fourth Respondent having set Exparte in lower Court itself, 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.18,95,000/- (Rs. Eighteen Lakhs Ninety Five Thousand Only) from Rs.21,16,000/- (Tribunal award).

ii) that the Appellant/Insurance Company to deposit the modified amount of compensation as determined by this Court together with interest at 7.5% from the date of claim petition till the date of such deposit, to the credit of M.C.O.P.No.585 of 2012 on the file of the Motor Accident Claims Tribunal (VI Court of Small Causes) Chennai, less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment.

iii) that on such deposit being made, the respondents 1 to 3 /claimants 1 to 3 are permitted to withdraw the amount in the same proportion fixed by the Tribunal, less any amount already withdrawn, by filing suitable applications before the Tribunal.

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

Sd/-

Assistant Registrar(cs I)

//True Copy// Sub Assistant Registrar

To:

The Motor Accident Claims Tribunal
(VICourt of small causes) Chennai.

Copy to:

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

+1cc to Mr.R.Kannan, Advocate SR.No. 28545

+1cc to Mr. R.Sivakumar, Advocate SR.No. 28468



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Dated:18.06.2021

DECREE

C.M.A.No.4215 of 2019

Allowing the Civil Miscellaneous Appeal in part preferred against the Judgment and decree dated 17.08.2015 made in M.C.O.P.No.585 of 2012 on the file of the Motor Accidents Claims Tribunal, (VI Court of small causes) Chennai etc as stated within.

KV (CO)

A.SK(28.09.2021)