



IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

C.M.A. Nos. 2250 and 3034 of 2017

1.R. Sadasivam
2.S. Baby
3.S. Vignesh .. Appellants in C.M.A. No. 2250 of 2017
/ Respondents 1 to 3
in CMA 3034 of 2017/claimants

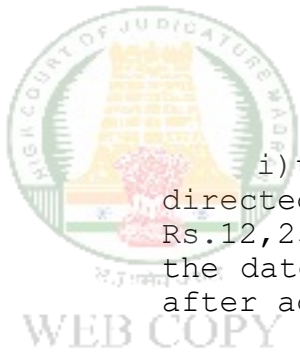
Versus

1.Mohanasundar ..1st Respondent in C.M.A. No. 2250 of
2017/ 4th Respondent in in CMA 3034 of 2017
/1st Respondent

2. Reliance General Insurance Company Limited
Branch Office
BLA-Kanaku Building
No.15-A, Thillai Nagar, 11th Cross
Trichy - 18 ..2nd Respondent in C.M.A. No. 2250 of 2017/
Appellant in CMA 3034 of 2017/2nd Respondent

Appeal against the award and Decree dated 22.03.2017 made in MCOP No. 272 of 2014 on the file of the Motor Accident Claims Tribunal (Additional District Court No.3), Dharapuram, Tiruppur District.

Decree:This 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.Ma.Pa.Thangavel,Advocate for the Appellants 1 to 3 in C.M.A. No. 2250 of 2017 and Counsel for the Respondents 1 to 3 in C.M.A. No. 3034 of 2017 and Mr.S.Arun Kumar, Advocate for the Second Respondent in C.M.A. No. 2250 of 2017 and counsel for the Appellant in C.M.A. No. 3034 of 2017 and First Respondent in C.M.A. No. 2250 of 2017(4th Respondent in C.M.A. No.3034 of 2017) having been set exparte before the Tribunal, and having stood over for consideration till this day and this court while modifying the finding of the Tribunal by fixing 75% contributory negligence on the part of the deceased and 25% negligence on the part of the owner of the car and allowing this Civil Miscellaneous Appeal in C.M.A. No. 2250 of 2017 in part and in modification of the award of the tribunal below and dismissing the appeal in C.M.A. No. 2250 of 2017 doth order and decree as follows:



i)that the Appellant/Insurance Company be and hereby is directed to deposit the entire compensation amount of Rs.12,25,000/- with interest at the rate of 7.5% per annum from the date of filing the claim petition till the date of deposit, after adjusting the amount, if any, already deposited.

ii)that on such deposit, the claimants be and hereby are permitted to withdraw the entire compensation amount now determined by this along with interest.

iii)that the first and second claimants be and hereby are entitled for a sum of Rs.5,00,000/-(Rs.Five Lakhs Only)each.

iv)that the third claimant/brother be and hereby is entitled for a sum of Rs.2,25,000/-.(Rs.Two Lakhs Twenty Five Thousand Only).

v)that the excess amount, if any, deposited by the Insurance Company can be withdrawn.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal
(III Additional District Court)
Dharapuram, Tiruppur District.

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

+1cc to Mr.S.Arun Kumar, Advocate SR.No. 26950

Dated:30.04.2021

DECREE

CMA Nos. 2250 & 3034/2017

Partly allowing the Civil Miscellaneous Appeals preferred against the Judgment and decree dated 22.03.2017 made in MCOP No. 272 of 2014 on the file of the Motor Accident Claims Tribunal (Additional District Court No.3), Dharapuram, Tiruppur District etc as stated within.