

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH
AND
THE HON`BLE MR JUSTICE SATHI KUMAR SUKUMARA KURUP

CMA No.4285 of 2019
and
CMA No.567 of 2020

MEENA PANDURENGAN
W/O. N.MARUTHI KANNAN

..Appellant in C.M.A.No.4285 of 2019/
1st Respondent in C.M.A.No.567 of 2020/
Petitioner

Vs

1 C.S.RAJESH

..1st Respondent in C.M.A.No.4285 of 2019/
2nd Respondent in C.M.A.No.567 of 2020/
1st Respondent

2 M/s.BAJAJ ALIANZ GENERAL INSURANCE CO LTD,
MOTOR THIRD PARTY CLAMIS OFFICE,
NO.497,498, P.H.ROAD, KARTHAMMA BUILDINGS
CHENNAI-600 106

..2nd Respondent in C.M.A.4285 of 2019/
Appellant in C.M.A.No.567 of 2020/
2nd Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 30/08/2019 made in M.C.O.P.No.3335 of 2014 on the file of Motor Accidents Claims Tribunal/II Court of Small Causes, Chennai.

Decree : This Civil Miscellaneous Appeal coming on for hearing on Monday, the Twenty Second day of March, Two Thousand and Twenty One upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.M.B.Raghavan, Advocate for M/s.M.B.Gopalan Associates for the Appellant in CMA No.567 of 2020 and for 2nd Respondent in CMA No.4285 of 2019 and of Mrs.Ramya Rao, Advocate for the First Respondent in CMA No.567 of 2020 and for the Appellant in CMA No.4285 of 2019 and the Second Respondent in CMA No.567 of 2020 and the 1st Respondent in CMA No.4285 of 2019 and 2nd Respondent in CMA No.567/2020 and 1st Respondent in CMA No.4285/2019 remained set exparte before the

Tribunal and having stood over for consideration till this day, this Court while dismissing the Civil Miscellaneous Appeal No.4285 of 2020 filed by the claimant allowing the Civil Miscellaneous Appeal in CMA No.567 of 2020 in part by modifying the award of the Tribunal, filed by the Insurance Company doth order and decree as follows:

i) that the award of the Tribunal be and hereby is reduced to Rs.57,20,000/- (Rupees Fifty Seven lakhs and twenty thousand only) from Rs.62,80,716/- (Tribunal award) together with interest at the rate of 7.5% p.a. from the date of Petition till the date of deposit.

ii) that the Appellant herein/Insurance CMA No.567 of 2020 and 2nd Respondent in CMA No.4285 of 2019 be and hereby is directed to deposit the modified award amount now determined by this Court, along with 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 M.C.O.P.No.3335 of 2014.

iii) On such deposit being made the 1st respondent herein/claimant in CMA No.567 of 2020/Appellant herein/Claimant in CMA No.4285 of 2019 shall be permitted to withdraw the award amount fixed by the Tribunal, after adjusting the amount already withdrawn if any.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

TO

1. THE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
II COURT OF SMALL CAUSES, CHENNAI

2. THE SECTION OFFICER,
VR SECTION,
HIGH COURT OF MADRAS

Copy To

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

+4ccs to Mr.AN.Viswanatha Rao, Advocate SR.No.23523, 23524

DATED : 16/04/2021

DECREE :

CMA No.4285 of 2019
and
CMA No.567 of 2020

Dismissing the Civil Miscellaneous Appeal No.4285 of 2019 and Partly allowing the Civil Miscellaneous Appeal No.567 of 2020 preferred against the judgment and decree dated 30/08/2019 made in MCOP No.3335 of 2014 on the file of the Motor Accidents Claims Tribunal/II Court of Small Causes, Chennai etc., as stated therein.

SSD(CO)
GMY(14/07/2021)