

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.276 of 2013

THE BRANCH MANAGER,,
THE NEW INDIA ASSURANCE CO.LTD.
THANJAVUR... Appellant/2nd Respondent

Vs

1 AMSAVALLI, ... Respondent/Petitioner
2 SUGUMAR, ... Respondent/1st Respondent
3 KAMARAJ,
4 THE MANAGER,
SRI RAM GENERAL INSURANCE CO.LTD.,
CHENNAI-17... ...3rd & 4th Respondents/3rd & 4th Respondents

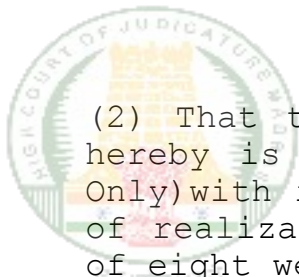
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Judgment and Decree of the Motor Accidents Claims Tribunal(Principal Sub Court),Kumbakonam dated 27.06.2012 made in M.C.O.P.No.398 of 2011.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Thursday The Twenty eighth day of October Two Thousand and Twenty One, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.B.VIJAY KARTHIKEYAN, Advocate for the Appellant and of Mr.B.JEYARAMAN, Advocate for the fourth respondent, and the respondents one to three not appeared neither in person or through their counsel and this Court while allowing the appeal in part, doth order and decree as follows:-

(1) That the Appellant/New India Assurance Company be and hereby is exonerated and the second respondent/Owner of the vehicle is liable to pay compensation of Rs.12,000/ as awarded by the Tribunal, with interest at the rate of 7.5% p.a, from the date of claim petition till the date of realization.



(2) That the second respondent herein/owner of the vehicle be and hereby is directed to deposit Rs.12,000/- (Rupees Twelve Thousand Only) with interest from the date of the claim petition till the date of realization, if the amount not deposited earlier within period of eight weeks from the date of receipt of copy of this Judgment.

(3) That on such being made, the claimants are permitted to withdraw the award amount with proportionate interest after deducting any amount received by them earlier.

(4) That the claimants are not entitled for interest for the default period, if there is any.

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Principal Sub, Judge,
Motor Accidents Claims Tribunal, Kumbakonam

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.B. VIJAY KARTHIKEYAN, Advocate (SR-34705 dated 17/11/2021)

ORDER DATED : 16/11/2021

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DECREE

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CMA(MD). No.276 of 2013

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Motor Accidents Claims Tribunal (Principal Sub Court), Kumbakonam dated 27.06.2012 made in M.C.O.P.No.398 of 2011.

km (CO)

TR(17.02.2022) 2P 5C