



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Eighteenth day of November Two Thousand and Twenty One

PRESENT:

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD)No.649 of 2020

BRANCH MANAGER,
RELIANCE INSURANCE COMPANY LIMITED,
IInd FLOOR PLA KANAGU TOWERS,
15-A THILLAINAGAR MAIN ROAD,
11TH CROSS THILLAI NAGAR,
TRICHY - 620 018.

... Appellant/2nd Respondent.

Vs

1 R.SURYAPRAKASH

...1st Respondent/Petitioner.

2 K.T.RAMU

...2nd Respondent/1st Respondent.

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 21/11/2019 in M.C.O.P. No.1037 of 2015 on the file of the Special Subordinate Judge (Motor Accident Claims Tribunal), Tiruchirappalli.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on Monday, the eighth day of November 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.V.SAKTHIVEL, Advocate for the Appellant and of MR.R.MAHESWARAN, Advocate for the first Respondent and the second respondent set as ex-parte before the Tribunal and having stood over for consideration till this date, this Court while allowing the appeal in part, doth order and decree as follows:-

(1) that the award passed by the Tribunal, be and hereby is modified that the liability of the insurance company/appellant herein is only 60% (exclude 30% for three persons travelled in the two wheeler and 10% for not wearing Helmet),

(2) that the Appellant/Insurance Company be and hereby is directed to pay 60% of the award of compensation passed by the Tribunal, dated 21/11/2019 in M.C.O.P. No.1037 of 2015 on the file of the Special Subordinate Judge (Motor Accident Claims Tribunal), Tiruchirappalli and



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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

TO

The Special Subordinate Judge
(Motor Accident Claims Tribunal), Tiruchirappalli.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai (2 Copies).

+1 CC to M/s.V. SAKTHIVEL, Advocate (SR-35238 dated 19/11/2021)

ORDER DATED : 18/11/2021

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DECREE

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CMA(MD). No.649 of 2020

Allowing this Civil Miscellaneous Appeal in part preferred against the award dated 21/11/2019 in M.C.O.P. No.1037 of 2015 on the file of the Special Subordinate Judge (Motor Accident Claims Tribunal), Tiruchirappalli.

RD(08.12.2021) 2P 5C