



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD) . No.1269 of 2017

M/S.RELIANCE GENERAL INSURANCE COMPANY LTD.,
COIMBATORE. THROUGH ITS MANAGER.

... Appellant/2nd Respondent

Vs

1 TMT.VALLI

2 MR.SELVAM

... Respondents 1 and 2/Petitioners

3 M.SATHESH KUMAR

... 3rd Respondent/ 1st Respondent

Prayer:-

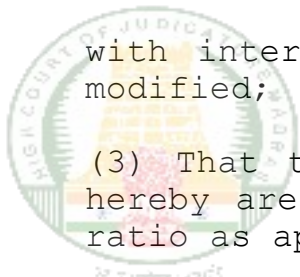
Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award and decree dated 22.07.2015 passed by the Motor Accident Claims Tribunal (Sub Court), Sivakasi, in M.C.O.P. No. 3 of 2014.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Tuesday, the Ninth day of February 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.P.M.VISHNUVARTHANAN, Advocate for the 1st respondent, and 2nd and 3rd respondents were not appeared either in person or by an Advocate, this Court having stood over for consideration till this date, while allowing the Appeal in part, doth order and decree as follows:-

(1) That the Appellant herein /Insurance Company be and hereby is directed to pay the compensation to the second pillion rider at the first instance and then, recover the same from the owner of the vehicle.

(2) That 10% of the compensation is deducted towards contributory negligence and the respondents 1 and 2 herein/Claimants 1 and 2 be and hereby are entitled for the compensation of Rs. 8, 80, 200/-
(Rupees Eight lakhs eighty thousand and two hundred only) together



with interest at 7.5 % p.a and the Civil Miscellaneous Appeal is modified;

(3) That the respondents 1 and 2 herein/Claimants 1 and 2 be and hereby are entitled to withdraw their respective share in the same ratio as apportioned by the tribunal; and

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Sub Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
Sivakasi.

Copy to:

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

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-16183 dated 17/04/2021)

ORDER DATED : 17/04/2021

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DECREE

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CMA(MD). No.1269 of 2017

Nature of Decree:- Partly allowing the Civil Miscellaneous Appeal preferred against the award and decree dated 22.07.2015 passed by the Motor Accident Claims Tribunal (Sub Court), Sivakasi, in M.C.O.P. No. 3 of 2014 etc., as stated within.

KK(23.06.2021) 2P 5C