

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.M.A.No. 1957 of 2009

National Insurance Company Limited
152 Oppanakara Street
Coimbatore 1.

...Appellant

Vs

1. Kandavel
2. R. Sakthivel
3. R. Bhaskaran

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree passed in M.A.C.T.O.P.No.796 of 2003, dated 7/1/2005 on the file of the Motor Accidents Claims Tribunal, Additional District and Sessions Court, Fast Track Cout No.2, Coimbatore.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the order of the Lower court below and the material papers in the case and upon hearing the arguments of Mrs.N.B.Surekha, Advocate for the Appellant and of Mr.M.Jaisingh for Mr.A.Sivaji, Advocate for the First Respondent and this Court while Partly Allowing this Civil Miscellaneous Appeals in part by modifying the award of the Tribunal, doth order and decree as follows:

i)that the award of the Motor Accidents Claims Tribunal, Additional District and Sessions Court, Fast Track Cout No.2, Coimbatore in M.A.C.T.O.P.No.796 of 2003, dated 7/1/2005 be and hereby is modified with regard to the rate of interest.

ii)that the rate of interest be and hereby is modified from 9% to 7.5%.

iii)that the Appellant herein/Insurance Company be and hereby is directed to deposit the entire award amount, together with interest at 7.5% p.a., from the date of claim petitions, before the Tribunal, if not already deposited, within a period of four weeks, from the date of receipt of a copy of this order.

iii)that on such deposit being made, the respondents are entitled to make necessary applications to withdraw the same.

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

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

The Motor Accidents Claims Tribunal,
Additional District and Sessions Judge,
Fast Track Cout No.2, Coimbatore.

Copy to:

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

+1cc to M/s.N.B.Surekha, Advocate Sr.No.17623
+1cc to Mr.A.Sivaji, Advocate Sr.No. 18308

DATED:16.03.2022

DECREE

C.M.A.No.1957 of 2009

Partly allowing this Civil Miscellaneous Appeal preferred against the Judgment and decree passed in M.A.C.T.O.P.No.796 of 2003, dated 7/1/2005 on the file of the Motor Accidents Claims Tribunal, Additional District and Sessions Court, Fast Track Cout No.2, Coimbatore etc as stated within.

AD(CO)
PR(03/06/2022)