

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.741 of 2008

1.Saraswathi
2.Sakthivel
3.Murugan
4.Moorthy

.. Appellants/Petitioners

Vs.

1.V.K.Veerakumar

2.The United India Assurance Company Limited,
Office Situated at Giriram Building Main Road,
Gobichettipalayam,
Erode District.

.. Respondents/Respondents

Prayer: Appeal against the Order of the Motor Accident Claims Tribunal, Sub Court, Bhavani, dated 15/02/2007 and made in MCOP.No.84 of 2004.

Decree: This Appeal coming on for hearing on Friday, the Twenty first day of January two thousand and twenty two, upon perusing the grounds of Appeal, the Judgment and decree of the Lower Court, and the material records in this case and upon hearing the arguments of Mr.M.Lokesh for M/s.Ma.P.Thangavel Advocate for the Appellants herein and of Mr.S.Arunkumar, Advocate for the Second Respondent herein and first Respondent having been remained set exparte before the tribunal and having stood over for consideration till this day and this Court while allowing the Civil Miscellaneous Appeal in part and in modification of the award of the tribunal, doth order and decree as follows:

1.that an order of dismissal as against the 2nd Respondent herein/Insurance Company and also contributing negligence of 50% is fixed on the part of the deceased passed by the tribunal be and hereby are setaside.

2.That the award of compensation passed by the Motor Accident Claims Tribunal, Sub Court, Bhavani, dated 15/02/2007 made in MCOP.No.84 of 2004 be and hereby modified by enhancing the award of compensation from Rs.4,90,800/-(Rupees Four lakhs ninety thousand and eight hundred only)to Rs.5,33,700/-(Rupees Five lakhs thirty three thousand and seven hundred only)together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

3.That the award of compensation shall carry interest at the rate of 7.5% per annum instead of 6% p.a as awarded by the Tribunal.

4.That the 2nd Respondent herein/Insurance Company be and hereby is directed to deposit the award amount, now determined by this Court, along with interest and costs within a period of six(6) weeks from the date of receipt of a copy of this judgment, to the credit of MCOP.No.84 of 2004.

5.that on such deposit being made, the Appellants herein/claimants be and hereby are permitted to withdraw their respective share of the award amount as apportioned by the Tribunal, along with proportionate interest and costs after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal.

6.That the 1st Respondent herein/owner of the Lorry be and hereby is permitted to withdraw the excess amount available in the deposit to the credit of MCOP.No.84 of 2004 if any already deposited by him.

7.That if the Appellants herein/Claimants have already withdrawn the entire award amount, the 1st Respondent herein/Owner of the Lorry is not entitled to recover the same from the Appellants herein/Claimants.

8.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal,
The Subordinate Judge,
Bhavani.

Copy to: The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.S.Arunkumar, Advocate SR.No.9162
+1cc to Mr.Ma.P.Thangavel, Advocate SR.No.9935

Order Dated:14/02/2022
C.M.A.No.741 of 2008
Nature of the Decree:
Allowing the Civil
Miscellaneous Appeal in
part is preferred against
the judgment and decree
on the file of the (MACT)
Motor Accident Claims
Tribunal, Sub Court,
Bhavani dated 15/02/2007
made in MCOP.No.84 of
2004 etc., as stated
within.

VBM(CO)
CB(04/04/2022)