

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.2376 of 2016

United India Insurance Co. Ltd.,
Branch Office - II,
77, Oriental Complex,
AA, Street, Salem-1.

... Appellant/2nd Respondent

Vs.

1.Jonesh

...1st Respondent/claimant

2.Vinayaka Mission Research Foundation,
Chairman, Dr.Shanmugasundaram,
No.44-A, 2nd Agraharam,
Salem - 636 001.

... 2nd Respondent/1st Respondent

Prayer : Appeal agains the judgment and decree dated 13.02.2015 made in MCOP No.2045 of 2013 on the file of the Motor Accident Claims Tribunal (Special Sub-Judge II), Salem.

Decree : This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the award of the tribunal and the material papers in this case, and upon hearing the arguments of Mrs.I.Malar, Advocate for the Appellant, and of Mr.C.Kulanthaivel, Advocate for the 1st Respondent and this Court while allowing the appeal in part and in modification of this tribunal below doth order and decree as follows:

i) that the compensation awarded by the tribunal be and hereby is reduced from Rs.26,71,000/-(Rupees Twenty Six Lakhs Seventy One Thousand only) to Rs.23,12,000/- (Rupees Twenty Three Lakhs Twelve Thousand only)

ii) that the appellant/Insurance Company be and hereby is directed to deposit the modified award amount of Rs.23,12,000/- with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment.

iii) that on such deposit, the 1st respondent/claimant be and hereby are permitted to withdraw the award amount along with proportionate interest and costs, less the amount if already withdrawn.

iv) that there shall be no costs in this appeal.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

To

1. The Special Sub-Judge No.II,
Motor Accident Claims Tribunal
Salem.
2. The Section Officer,
V.R.Section,
Madras High Court,
Chennai.

+1cc to Mr.C.Kulanthaivel, Advocate SR.No.13441

+1cc to Mr.T.Ravichandran, Advocate SR.No.12987

DATED : 28/02/2022

DECREE :

C.M.A.No.2376 of 2016

Allowing the appeal in part preferred against the judgment and decree dated 13.02.2015 made in MCOP No.2045 of 2013 on the file of the Motor Accident Claims Tribunal (Special Sub-Judge II), Salem, etc., as stated therein.

GP(CO)
GMY(08/06/2022)