

IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A.Nos.1324 of 2020

M/s.Reliance General Insurance Company Limited,
'Heavitree' Unit No.1, 3rd Floor,
No.23, Spur Tank Road,
Chennai - 600 031.

...Appellant/2nd Respondent

Vs.

1.M.Buveneswari

...1st Respondent/petitioner

2.M.Shanmuga Pondy

...2nd Respondent /1st Respondent

Prayer:Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 23/07/2019 made in MCOP.No.159 of 2010 on the file of Motor Accidents Claims Tribunal/IIInd Judge II Court of Small Causes, Chennai.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of M/s.Harini for M/s.M.B.Gopalan Associates Advocate for the Appellant and of Mr.N.M.Elumalai Advocate for the 1st Respondent and steps not having been taken to serve notice to the 2nd respondent and this court while allowing the Civil Miscellaneous Appeal doth order and decree as follows:

1) That the Quantum of Compensation award and Decree dated 23/07/2019 made in MCOP.No.159 of 2010 on the file of the Motor Accidents Claims Tribunal/II Judge, II Court of Small Causes, Chennai be and hereby is confirmed.

2. That the award and decree dated 23.07.2019 passed in MCOP.No.159 of 2010, on the file of MACT IIInd Judge,II Court of Small Causes Chennai insofar as the fixating liability on the Appellant herein/2nd Respondent Insurance Company concerned be

and hereby is set aside.

3. That the 2nd Respondent herein/1st Respondent owner of the vehicle be and hereby is liable to pay the compensation awarded by the Tribunal together with interest at 7.5% per annum from the date of the claim petition till the date of realization.

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

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

ms
To
1.The Motor Accident Claims Tribunal,
The Judge,
II Court of Small Causes,
Chennai.

Copy to:
The Section Officer,
V.R.Section,
High Court, Madras.
+1 ccs to Mr.N.M.Elumalai Advocate sr23953

Dated:07/04/2022

Decree:

CMA No.1324 of 2020

Allowing the Civil
Miscellaneous Appeal
preferred against the
Judgment and Decree dated
23/07/2019 made in
MCOP.No.159 of 2010 on the
file of the Motor Accidents
Claims Tribunal /II Judge,
II Court of Small Causes,
Chennai etc; as stated
therein.

aa06/06/2022