

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2739 of 2016

The New India Assurance Company Limited,
Chennai. ...Appellant/3rd Respondent

Vs.

1.M.Rani ...1st Respondent/Petitioner
2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Dn.II), Trichirapalli. ...2nd Respondent/1st Respondent
3.C.Santhi ...3rd Respondent/2nd Respondent
4.M.Mani ...4th Respondent/4th Respondent

Prayer: Appeal against the Order of the Motor Accident Claims Tribunal, Principal District Court, Perambalur, dated 31.10.2012 and made in M.C.O.P.No.96 of 2007.

Decree: This Appeal coming on for hearing on this day 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.Krishnamoorthy Advocate for the Appellant and of Mr.C.Senapathi Advocate for the 1st Respondent and of Mr.D.Venkatachalam Advocate for the 2nd Respondent. Notice having been served on the third Respondent and not appeared either in person or through counsel. Notice having been Dispensed with regarding fourth Respondent. 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 the Appellant herein/Insurance Company be and hereby do pay a sum of Rs.4,57,000/- (Rupees Four lakhs Fifty Seven Thousand Only) to the 1st Respondent herein/Claimant as awarded by the tribunal on the file of the Principal District Court, Perambalur, dated 31/10/2012 made in M.C.O.P.No.96 of 2007 together with interest at the rate of 7.5% per annum from the date of petitions till the date of deposit, along with interest and costs within a period of eight(8) weeks from the date of receipt of a copy of this judgment.

2. That the first Respondent herein/claimant be and hereby is permitted to withdraw the award amount along with interest and costs, as per the apportionment fixed by the tribunal, after adjusting the amount, if any, already withdrawn by filing necessary applications before the tribunal.

3. That on such deposit being made the tribunal is directed to disburse the same to the claimant in proportionate to the compensation as awarded.

4. That the Civil Miscellaneous Appeal is dismissed against the second Respondent herein/transport Corporation and fourth Respondent herein/fourth Respondent.

5. That there be no order as to costs in this Civil Miscellaneous Appeal.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vkr

To

1.Motor Accidents Claims Tribunal,
The Principal District Judge,
Perambalur.

Copy To

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

+1cc to Mr.C.Senapathi, Advocate, S.R.No.1377

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.979

DATED:06/01/2022

DECREE

C.M.A.No.2739 of 2016

Allowing the Civil Miscellaneous Appeal in part preferred against the Judgment and decree on the file of the Motor Accident Claims Tribunal, The Principal District Court, Perambalur, dated 31.10.2012 and made in M.C.O.P.No.96 of 2007 ect., as stated within.

VKR(CO)
RN(02/05/2022)