

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.2740 of 2016

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

Vs.

1.Kumaresan ...1st Respondent/Petitioner
2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Dn.II), Milaguparai. ...2nd Respondent/1st Respondent
3.C.Santhi ...3rd Respondent/2nd 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.97 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 and
notice having been served on the third Respondent and not
appeared either in person or through counsel. 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 award passed by the Motor Accident Claims
Tribunal, Principal District Court, Perambalur dated 31.10.2012
and made in M.C.O.P.No.97 of 2007 be and hereby is confirmed.

2. That the third Respondent herein/owner of the auto/2nd
Respondent be and hereby is directed to deposit the compensation
amount of Rs.18,000/- (Rupees Eighteen Thousand Only) 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 to the credit of
M.C.O.P.No.97 of 2007.

3. That on such deposit, the tribunal is directed to disburse the same to the claimant in proportionate to the compensation awarded to them.

4. That the 1st Respondent herein/claimant in M.C.O.P.No.97 of 2007 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along with interest and costs as per the apportionment fixed by the tribunal after adjusting the amount, if any already withdrawn by filing necessary applications before the tribunal.

5. That the Appellant herein/Insurance Company be and hereby is permitted to withdraw the award amount lying in the deposit to the credit of M.C.O.P.No.97 of 2007, if the entire award amount has already been deposited by them.

6. That the Appeal is dismissed as against the second Respondent herein/Transport Corporation.

7. 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 Accident Claims Tribunal,
The Principal District Court,
Perambalur.

Copy To

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

+1cc to Mr.C.Senapathi, Advocate, S.R.No.1376

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

DATED:06/01/2022

DECREE

C.M.A.No.2740 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.97 of 2007 ect., as stated within.

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