

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE NINETH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.M.A. No.3697 of 2021

M/s.Bajaj Allianz Insurance Co.Ltd.,
Represented by its Branch Manager
B.O., at No.87-91 LA Complex
Villupuram Main Road,
Near Indira Gandhi Square,
Pondicherry-605005

...Appellant/2nd Respondent

Vs

1.Mohammed Jiavudeen

... 1st Respondent/ Petitioner

2.Neelamegam

... 2nd Respondent/ 1st Respondent

PRAYER : Appeal against the Order of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur dated 22/12/2020 and made in MCOP.No.630 of 2013.

DECREE: This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in this case and upon hearing the arguments of Mr.G.Vasudevan, Advocate for the Appellant and of Mr.T.Gopinath, Advocate for the first Respondent Notice having been dispensed with for the second Respondent, this Court while allowing the Civil Miscellaneous Appeal in part and in modification of the award of the Tribunal below, doth order and decree as follows:-

i)that the award of compensation passed by the Motor Accident Claims Tribunal, Principal District Judge, Perambalur dated 22/12/2020 passed in MCOP.No.630 of 2013 be and hereby is reduced from Rs.8,34,628/- (Rupees Eight Lakhs Thirty Four Thousand Six Hundred Twenty Eight only) to Rs.6,57,428/- (Rupees Six Lakhs Fifty Seven Thousand Four Hundred Twenty Eight only) as awarded by this Court.

ii)that the Appellant herein/Insurance Company be and hereby is directed to deposit the award amount of Rs.6,57,428/- (Rupees Six Lakhs Fifty Seven Thousand Four Hundred Twenty eight only) to the credit of MCOP.No.630 of 2013 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur together with interest @ 7.5% per annum annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any, already deposited within a period of six (6)Weeks from the date of receipt of a copy of this Judgment.

iii)that the Appellant herein/Insurance Company be and hereby is permitted to withdraw the excess amount lying in the deposit to the credit of MCOP.No.630 of 2013 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Permabalur, if the entire award amount has already been deposited by them.

iv)That in other respect the award of the tribunal do stand is confirmed.

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

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

To

1. Motor Accident Claims Tribunal,
Principal District Judge, Perambalur.

Copy To

The Section Office,
V.R.Section,
High Court, Madras.

+1cc to Mr.G.Vasudevan, Advocate SR.No.15944

+1cc to Mr.T.Gopinath, Advocate SR.No.16373

DATED:09/03/2022

DECREE:

CMA.NO.3697 OF 2021

Allowing the Civil Miscellaneous Appeal in part is preferred against the Judgment and decree dated 22/12/2020 passed in MCOP.No.630 of 2013 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur etc., as stated within.

VBM(CO)
GN(01/06/2022)