

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

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

C.M.A.NOS.3701 AND 1776 OF 2021

Rajesh @ Shankavaram Rajesh

... Appellant in CMA.No.3701 of 2021/
Petitioner and
1st Respondent in CMA.No.1776 of 2021/
Petitioner

Vs.

1. Muniswamy

... 1st Respondent in CMA.No.3701 of 2021/
1st Respondent and
2nd Respondent in CMA.No.1776 of 2021/
1st Respondent

2. The United India Insurance Co. Ltd.,
MO 1st Floor, R.V.Reddy Complex,
Bangarpet, Kolar City, Kolar District,
Karnataka State, Pincode 563 114.

... 2nd respondent in CMA.No.3701 of 2021/
2nd Respondent and
Appellant in CMA.No.1776 of 2021/
2nd Respondent

These Appeals against the Order of the Court of the Motor
Accident Claims Tribunal/II Judge, Court of Small Causes,
Chennai, dated 19.09.2019 made in M.C.O.P.No.5220 of 2016.

Decree: These Appeals coming on for hearing on this day and
upon perusing the grounds of Appeal, the order of the Lower
Court and the Material papers relating in these cases and upon
hearing the arguments of Mr.K.Varadhakamaraj, Advocate for the
Appellant in CMA.No.3701 of 2021 and 1st respondent in
CMA.No.1776 of 2021 and of Mr.D.Baskaran, Advocate for 2nd
respondent in CMA.No.3701 of 2021 and Appellant in CMA.No.1776

of 2021 and 1st and 2nd respondent having been set exparte before the Tribunal in CMA.Nos.3701 of 2021 and 1776 of 2021 respectively while allowing the Civil Miscellaneous Appeal in part in CMA.No.1776 of 2021 by modifying the award of the Tribunal, and this court dismissing the Civil Miscellaneous Appeal No.3701 of 2021, this Court doth order and decree as follows:-

i) that the award of the Tribunal be and hereby is reduced to Rs.33,68,050/- (Rupees Thirty Three Lakhs Sixty Eight Thousand and Fifty only) from Rs.40,25,950/- (Tribunal award) together with interest and costs; (CMA.No.1776 of 2021)

ii) that the Appellant herein/Insurance Company (CMA.No.1776 of 2021) is directed to deposit the above modified award amounts with accrued interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment;

iii) that on such deposit being made, the 1st respondent herein/ claimant (CMA.No.1776 of 2021) shall be permitted to withdraw the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs;

iv) that there be no costs in both Civil Miscellaneous Appeals.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The II Judge,
Motor Accidents Claims Tribunal,
Court of Small Causes, Chennai.
2. The Section Officer,
V.R.Section,
High Court, Madras.

+2ccs to Mr.K.Varadhakamaraj, Advocate, S.R.Nos.1365

DATED : 07/01/2022

DECREE :

C.M.A.Nos.3701 and 1776 of 2021

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 19.09.2019 made in M.C.O.P.No.5220 of 2016 on the file of the Motor Accident Claims Tribunal/II Judge, Court of Small Causes, Chennai, etc., as stated therein.

SR(CO)
RLP(08/04/2022)