



C.M.A.No.333 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 13.10.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.333 of 2022

and

C.M.P.No.2234 of 2022

Cholamandalam MS General
Insurance Company Limited
rep. by its Branch Manger,
II Floor, K.K.Towers,
Vaishnavi,
next to Hosur Durga Main Road,
Hosur.

... Respondent/
Appellant

Vs.

1.Gnana Soundarya
2.Minor Navitha
3.Minor Hari Selvam
4.Minor Tamizh Mani
5.Rajamma

... Petitioners 1 to 5/
Respondents 1 to 5

(Minors 2 to 4 are represented by their next friend/mother Ms.Gnana Soundarya)



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Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 01.12.2020 in M.C.O.P.No.207 of 2018 on the file of the learned Special District Judge, Motor Accidents Claims Tribunal, Krishnagiri.

For Appellant : Mr.T.Sree Vidhya

For Respondents : Mr.M.Selvam for R1

R2 to R4 minors rep. By R1

R5 – Served – No appearance

JUDGMENT

The only short point that requires consideration in the above appeal is filed by the Insurance Company challenging the Award passed by the learned Special District Judge, Motor Accidents Claims Tribunal, Krishnagiri, in M.C.O.P.No.207 of 2018, is whether despite producing Ex.P.3 - Insurance Policy which shows that it is a personal accident policy where the liability is limited to a sum of Rs.2 lakhs, the



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Tribunal was right in awarding a sum of Rs.4,30,000/- as compensation to the claimant.

2.The learned counsel for the petitioners would fairly concede that the vehicle has been covered only by a personal accident policy where the liability is limited to a sum of Rs.2 lakhs.

3.In the light of the above, the Award passed by the Tribunal is set aside by reducing the Award amount to a sum of Rs.2lakhs only taking into account the fact that Ex.P.30 – Insurance Policy is a personal accident policy. Consequently, the Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal is reduced to a sum of Rs.2,00,000/- (Rupees two lakhs only) to the claimant without interest.

It is informed by the learned counsel for the Insurance Company that the Insurance company has deposited a sum of Rs.2 lakhs together



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interest with costs. Therefore, the amounts over and above the sum of Rs.2lakhs shall be refunded to the Insurance Company and the costs shall also be refunded back to the Insurance Company. The interest that has occurred post the deposit is payable to the petitioners/claimants. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking order / Non speaking order
mps

To

The Special District Judge,
Motor Accidents Claims Tribunal,
Krishnagiri.



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P.T. ASHA, J,

mps

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