



IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

WEB COPY

PRESENT:

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

C.M.A. Nos. 2963 and 1310 of 2021
and CMP.No. 6635 of 2021 in CMA.NO. 1310 of 2021

United India Insurance Co. Ltd.,
Silingi Building,
No. 134, Greaves Road,
Chennai 600 006.

... Appellant in C.M.A.
No. 1310 of 2021/2nd Respondent
in C.M.A.No. 2963 of 2021/
2nd Respondent

vs.

1. Mariya Dass

... 1st Respondent in C.M.A.
No. 1310 of 2021/Appellant in
C.M.A.No. 2963 of 2021/Petitioner

2. K. Veera Guru

... 2nd Respondent in C.M.A.
No. 1310 of 2021/1st Respondent in
C.M.A.No. 2963 of 2021/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act 1988, against the judgment and decree dated 05.08.2019 in MCOP.No. 1046 of 2016 on the file of the Motor Accidents Claims Tribunal, II Judge, Small Causes, Chennai.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the award of the Tribunal below and the material papers in the case and upon hearing the arguments of Mr. P. Sankaranarayanan, Advocate for the Appellant in C.M.A. No. 1310 of 2021 (Insurance Company), and 2nd Respondent in CMA.NO. 2963/2021 and of Mr. K. Varadha Kamaraj, Advocate for the First Respondent in C.M.A.No. 1310 of 2021 and for the Appellant in C.M.A.No. 2963 of 2021 and the 2nd Respondent in C.M.A. No. 1310 of 2021/1st Respondent in C.M.A.No. 2963 of 2021 Not appearing either in person or by an Advocate and this Court while partial modification of the CMA. 1310 of 2021, doth order and decree as follows:



i)that the compensation award and decree dated 05.08.2019 made in MCOP.No.1046 of 2016 on the file of the Motor Accident Claims Tribunal, the II Judge, Court of Small Causes, Chennai be and hereby is modified and partly allowed and this Civil Miscellaneous Appeal No.2963 of 2021 is dismissed;

ii)that the award of the Tribunal be and hereby is reduced from Rs.25,64,400/- (Rs.Twenty Five Lakhs Sixty Four Thousand Four Hundred Only) to Rs.22,10,000/- (Rs.Twenty Two Lakhs Ten Thousand Only) (Tribunal award) together with interest and costs (in CMA.NO.1310 of 2021);

iii)that the compensation amount shall carry interest @ 7.5% per annum from the date of claim petition till the date of realization;

iv)that the Appellant (in CMA.1310/2021) herein/ Insurance Company be and hereby are directed to deposit the modified award amount now determined by this Court along 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 to the credit of MCOP.No.1046 of 2016;

v)that on such deposit being made, the Respondent herein (in CMA.NO.1310 of 2021)/claimant shall be permitted to withdraw the award amount, along with interest and costs less the amount already withdrawn;

vi)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
II Judge, Small Causes Court, Chennai

Copy to:

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

+2 ccs to Mr.P.Sankara Narayanan, Advocate Sr.16450,16449

+1 cc to Mr.K.Varadha Kamaraj, Advocate Sr.NO. 16414

