



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE NINETEENTH DAY OF JANUARY
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.2248 and 3133 of 2021

1.Sathish
2.Visalachi

... Appellants in CMA No.2248 of 2021/
... Respondents 1 & 2 in CMA No.3133 of 2021/
Claimants

Vs.

1.CVR.Chandra Prakash ...1st Respondent in CMA No.2248/2021/
...3rd Respondent in CMA No.3133/2021
(1st Respondent)
2.Reliance General Insurance Company Limited,
No.6, 6th Floor, Haddows Road,
Chennai - 600 006. ...2nd Respondent in CMA No.2248/2021/
...Appellant in CMA No.3133 of 2021
(2nd Respondent)

Prayer: Appeals filed under Section 173 of Motor Vehicles Act 1988 against the judgment and decree of the IV Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai dated 21.11.2020 and made in MCOP No.2527 of 2016.

Decree : These Appeals coming on for hearing on this day, upon perusing the grounds of Appeal, the judgment and decree of the tribunal and the material papers of the tribunal, and upon hearing the arguments of Mr.K.Varadha Kamaraj, Advocate for the Appellants in CMA No.2248 of 2021 and Respondents 1 & 2 in CMA No.3133 of 2021 (Claimants) and Mr.S.Arunkumar, Advocate for the 2nd Respondent in CMA No.2248 of 2021 and Appellant in CMA No.3133 of 2021 (Reliance General Insurance Co.Ltd.,) and the 1st Respondent in CMA No.2248 of 2021, 3rd Respondent in CMA No.3133 of 2021 (1st Respondent) having remained exparte before the tribunal, this Court while, confirming the deduction of 20% for negligence of the deceased by the tribunal and dismissing the Appeal preferred by the claimants in CMA No.2248 of 2021 in allowing the Appeal CMA No.3133 of 2021 preferred by the Insurance Company in part, and in modification of the decree of the tribunal, order and decree as follows:



1) that the compensation awarded by the tribunal be and hereby is reduced to Rs.43,89,000/- (Rupees Forty three lakhs and eighty nine thousand only);

WEB COPY

2) that the 1st Respondent herein in CMA No.3133 of 2021)/1st Claimant be and hereby is entitled to Rs.10,00,000/- (Rupees Ten lakhs only) and the 2nd Respondent herein (in CMA No.3133 of 2021)/2nd Claimant be and hereby is entitled to Rs.33,89,000/- (Rupees Thirty three lakhs eighty nine thousand only);

3) that the Appellant herein (CMA No.3133 of 2021)/ Insurance Company do deposit the modified award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order;

4) that on such deposit being made the Respondents 1 & 2 herein (CMA No.3133 of 2021)/Claimants be and hereby are permitted to withdraw their share together with proportionate interest and costs, less amount already withdrawn, if any;

5) that the rate of interest fixed by the tribunal do stand confirmed;

6) that there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

To

1. IV Judge, of Small Causes,
The Motor Accident Claims Tribunal,
Chennai.

Copy To

The Section Officer,
V.R.Section,
Madras High Court,
Chennai.

+1cc to Mr.K.Varadha Kamaraj, Advocate SR.No.3190

+1cc to Mr.S.Arunkumar, Advocate SR.No.3259



WEB COPY

DATED : 19/01/2022

DECREE :

C.M.A.Nos.2248 and 3133 of 2021

Dismissing the Appeal (CMA No.2248 of 2021) filed by the Claimants and Allowing the Appeal, in part (CMA No.3133 of 2021) filed by the Insurance Company preferred against the judgment and decree of the IV Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai dated 21.11.2020 and made in MCOP No.2527 of 2016 etc., as stated within.

SV (CO)
GMY (26/04/2022)