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C.M.A.No.2362 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2362 of 2022

The Correspondent,
M/s.Adhi Parasakthi Polytechnic & College,
Eruiyapatty Village,
Kokkarapatty Post,
Pappireddypatty Taluk,
Dharmapuri District. ... Appellant

vs.

1.M/s.TATA AIG General Insurance Co. Ltd.,
Rep. by its Manager,
Jaya Enclave, 3rd Floor,
No.1057, Avinashi Road,
Coimbatore-18.

2.Mr.Arivazhagan ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Fair and Decreetal Order dated 29.11.2013 passed in M.C.O.P.No.4 of 2010 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Harur.

For Appellant	: Mr.Bharat Kumar, R.
For Respondents	: M/s.Harini for M/.M.B.Gopalan Associates [R1] R2 – No Appearance



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JUDGMENT

The 1st respondent / insured has filed this appeal as the Tribunal had directed the appellant/1st respondent to pay a sum of Rs.80,000/- to the claimant for the damages caused to the Maruthi Car bearing Reg.No.TN-24-Y-8741.

2. The learned counsel for the insurance company fairly conceded that in the connected M.C.O.Ps., (there was four other claim petition in M.C.O.P.Nos.498, 499, 500 and 507 of 2009) filed by the respective claimants for the injury sustained by them in the accident all the claim petitions including the claim which is subject matter of the present appeal was heard together and a common order was passed by the Motor Accident Claims Tribunal, Subordinate Court, Harur, by order dated 29.11.2013.

3. In all the other claim petitions, the liability to compensate the claimants was fastened on the 2nd respondent/Insurance Company. Only in respect of M.C.O.P.No.4 of 2010 relating to the above appeal, the owner of the insured vehicle was directed to compensate the claimant.



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4. The learned counsel for the appellant would submit that challenging the award of the Tribunal the appeals in C.M.A.Nos.2791 to 2794 of 2015 had been filed before this Court by the Insurance Company. This Court, by order dated 24.02.2020 was pleased to dismiss the above appeals and confirmed the order passed by the Tribunal in and by which the 2nd respondent/Insurance Company was directed to make the payment for and on behalf of the insured. The learned counsel would also contend that the third party damage to property is also covered under the policy taken by the appellant.

5. Therefore, considering the above submissions, this Civil Miscellaneous Appeal is allowed and the award passed by the Motor Accident Claims Tribunal, Subordinate Court, Harur, in M.C.O.P.No.4 of 2010 is modified to the extent that a sum of Rs.80,000/- shall be paid by the 1st respondent/Insurance Company for and on behalf of the appellant together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs, less, the amount if any already



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deposited, within a period of four weeks from the date of receipt of a copy of this judgment. It was also informed to the Court that the appellant herein had deposited the said amount to the credit of the above claim petition before the Tribunal below which amounts the appellant shall be permitted to withdraw.

6. In view of the above, the claimant is also permitted to withdraw the amount now determined by this Court along with interest and costs as and when it is deposited after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal. No costs.

02.11.2022

Index : Yes/No
Speaking / Non-speaking order
ssn

To:

1. The Motor Accident Claims Tribunal,
Subordinate Judge,
Harur.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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P.T.ASHA, J.,

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