

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT:

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

C.M.A.NOS.2782 AND 3552 OF 2021

M.Abdulla

... Appellant in C.M.A.No.2782 of 2021 /
1st Respondent in CMA No.3552 of 2021

M/s United India Insurance Co. Ltd
No.134, T.P.HUB, Silingi Building
Greams Road, Chennai - 6.

.. Appellant in C.M.A.No.3552 of 2021 /
2nd Respondent in CMA No.2782 of 2021

Vs.

T.Yuvaraj

.. 2nd Respondent in C.M.A.No.3552 of 2021 /
1st Respondent in CMA No.2782 of 2021

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 22.03.2021 made in M.C.O.P.No.6482 of 2015 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai.

DECREE: These Civil Miscellaneous Appeals coming on for hearing on this day, upon persuing the grounds of Appeals, award of the Tribunal below, material papers available in these cases and upon hearing the arguments of Mr.R.Thirugnanam, Advocate for the Appellant herein in CMA No.2782 of 2021 and for 1st Respondent in CMA No.3552 of 2021 and Mr.S.Arun Kumar, Advocate for the Appellant in CMA No.3552 of 2021, for 2nd Respondent in CMA No. 2782 of 2021 and 1st Respondent in CMA No. 2782 of 2021 not appeared in Person or by Advocate and steps not having been taken to serve notice to 2nd Respondent in CMA No. 3552 of 2021 and this Court while partly Allowing this C.M.A. No. 3552 of 2021 by modifying the award of the tribunal doth order and decree as follows:

1)that the total compensation awarded by the Tribunal at Rs.37,44,350/- (Rupees Thirty Seven Lakhs Forty Four Thousand Three Hundred Fifty only) be and hereby is reduced to Rs.24,14,200/- (Rupees Twenty Four Lakhs Fourteen Thousand Two Hundred only), which shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of payment;

2) that the Appellant / Insurance co., do pay the Claimant a sum of Rs.24,14,200/- (Rupees Twenty Four Lakhs Fourteen Thousand Two Hundred only) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of payment;

3)that the Appellant / Insurance co., do deposit the entire award amount as stated in Clause (1) supra together 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, that the Appellant in C.M.A.No.2782 of 2021 / Claimant shall withdraw the entire amount, less the amount already withdrawn, if any, together with interest and costs;

5)that in other aspects the award of the Tribunal do stand;

6)that C.M.A.No.2782 of 2021 stands dismissed;

7)that therebe no costs in these Civil Miscellaneous Appeals;

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Special Sub Court No.1,
Small Causes Court, Chennai.
2. The Section Officer,
V.R.Section,
Madras High Court, Chennai.

+1cc to M/s. S. Arun Kumar, Advocate, Sr.No.21675
+2ccs to Mr. R. Thirugnanam, Advocate, Sr.No.21903

DATED : 30.03.2022

DECREE

C.M.A.NOS.2782 AND 3552 OF 2021

Partly Allowing this Civil Miscellaneous Appeal No.3552 of 2021 and dismissing the CMA.No.2782 of 2021 preferred against the Decree of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai, dated 22.03.2021 and made in M.C.O.P.No.6482 of 2015 etc, as stated within.

RSI[co]
NSK/15/06/2022