

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.M.A.NO.1501 OF 2017

The Branch Manager,
The Oriental Insurance Co. Ltd.,
No.75, krishnan Street, Near Anna Statue,
Tiruvannamalai Town.

... Appellant/2nd Respondent

Vs.

1. Devendran

... I Respondent/Petitioner

2. Selvaraj

... II Respondent/I Respondent

3. Muthulakshmi

...III Respondent/ III Respondent

4. The Manager,
National Insurance Co. Ltd.,
No.19, Officers Line,
First Floor, Vellore.

... IV Respondent/IV Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and Decree dated 31.03.2016 made in M.C.O.P.No.23 of 2014 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) at Tiruvannamalai.

Decree: This Civil Miscellaneous Appeal coming on Tuesday, the Fifth day of April, Two Thousand and Twenty Two for hearing, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.M.Krishnamoorthy, Advocate for the Appellant and of Ms.A.Subadra for Ms.M.Malar Advocate for Ist Respondent and of Mr.S.Arunkumar, Advocate for IVth Respondent and II & III Respondents having set exparte in lower court itself and having stood over for consideration till this day, this court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:-

i) that the quantum of compensation as awarded by the tribunal be and hereby is confirmed;

ii) that the Appellant herein/Oriented Insurance Company Ltd., be and hereby is directed to deposit 90% of the total award amount with accrued interest at 7.5% from the date of petition within a period of eight weeks from the date of receipt of a copy of this judgment and proportionate costs;

iii) that the 4th Respondent herein/National Insurance Co. Ltd., be and hereby is directed to deposit 10% of the compensation granted together with interest at 7.5% per annum from the date of filing of the petition within a period of eight weeks from the date of receipt of a copy of this judgment;

iv) that the 1st Respondent/claimant be and hereby is permitted to withdraw the same;

v) that the appellant/Oriented Insurance Company Ltd., be and hereby is permitted to withdraw the balance 10% amount if they had deposited the entire amount;

vi) that there be no costs in this Appeal.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

kkn

To

The Motor Accident Claims Tribunal,
The Chief Judicial Magistrate,
Tiruvannamalai.

Copy To

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

+1cc to M/s.S.Arunkumar, Advocate, S.R.No.30481

DATED : 29/04/2022

DECREE :

C.M.A.NO.1501 OF 2017

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 31.03.2016 made in M.C.O.P.No.23 of 2014 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) at Tiruvannamalai, etc., as stated therein.

MG (CO)
RLP (18/05/2022)