



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE ELEVENTH 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.4044 of 2019 and 1107 of 2020

C.M.A.No.4044 of 2019:

M/s The New India Assurance Company Limited,
'Karnataka Bank Building', II Floor,
No.45, 2nd Line Beach,
Chennai - 600 001

... Appellant/4th Respondent

Vs.

1.N.Anitha
2.J.Geetha
3.N.Jayakanthan
4.V.Prakash

..1st Respondent/ Petitioner

.. Respondent2 to 4/ Respondent1 to 3

C.M.A.No.1107 of 2020:

N.Anitha

... Appellant/ Petitioner

Vs.

1.J.Geetha
2.N.Jayakanthan
3.V.Prakash

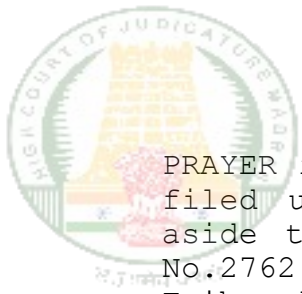
4.The New India Assurance Co. Ltd.,
No.45, 2nd Floor, Karnataka Bank,
2nd Line Beach, Chennai - 1.

Now addressed at

The New India Assurance Co. Ltd.,
No.232, N.S.C Bose Road, LIC Building
Opposite to High Court MBA Gate,
Chennai - 600 001.

... Respondents/ Respondents

PRAYER in C.M.A.No.4044 of 2019: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 to set aside the Decree and Judgment dated 30.08.2018 passed in MCOP No.2762 of 2013 by the II Court of Small Causes, Motor Accident Claims Tribunal, Chennai.



PRAYER in C.M.A.No.1107 of 2020: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 to set aside the Decree and Judgment dated 30.08.2018 made in MCOP No.2762 of 2013 on the file of the II Motor Accident Claims Tribunal / the II Small Causes Court, Chennai and enhance the award amount of Rs.1,75,42,000/- (as prayed restricted claim before this Court) and order to change the share amount between the appellant with the first and second respondents.

Decree :- These Civil Miscellaneous Appeals are coming on for hearing on this Ninth day of February of Two Thousand and Twenty Two, 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 M/s J.MichaelVisuvasam, Advocate for the Appellant in CMA No.4044/2019 and for the 4th Respondent in CMA.No.1107 of 2020, and Mr.T.G.Ravichandran, Advocate for the 1st Respondent(in CMA No.4044/2019)/Appellant (in CMA No.1107/2020), and Mr.M.Sivakumar for the 2nd and 3rd Respondent in CMA No.4044/2019)/ 1st and 2nd Respondent in CMA No.1107/2020, this case having stood over for consideration till this day, this Court while allowing the Civil Miscellaneous Appeal by modifying the award of the Tribunal in CMA No.4044/2019 by dismissing the CMA No.1107/2020 doth order and decree as follows :-

i)that the compensation awarded by the Motor Accidents Claims Tribunal, IIInd Judge, Court of Small Causes Court, Chennai made in M.C.O.P. No.2762 of 2013, dated 30.08.2018 be and hereby reduced from a sum of Rs.1,75,42,000/- (Rupees One Crore Seventy Five Lakhs Fourty Two Thousand only) to a sum of Rs.1,34,62,000/- (Rupees One Crore Thirty Four Lakhs Sixty Two Thousand only);

ii)that the order of pay and recovery and rate of the interest 7.5% per annum as ordered by the Tribunal is be and hereby confirmed;

iii)that the Insurance Company be and hereby is directed to deposit the modified award amount of Rs.1,34,62,000/- (Rupees One Crore Thirty Four Lakhs Sixty Two Thousand only) 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;

iv)that on such deposit, the claimant/wife herein and the father and mother of the deceased are be and hereby permitted to withdraw the amount, as apportioned by the Tribunal, viz., equally, together with proportionate interest and costs, less the amount already withdrawn, if any;



v) that there be no costs in this Civil Miscellaneous Appeals.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

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

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

+1 cc to Mr.C.Prabakaran, Advocate Sr.NO.16753
+4 ccs to Mr.T.G.Ravichandran, Advocate Sr.NO. 16643 & 16644
+1 cc to Mr.J.Michael Visuvasam, Advocate Sr.NO. 16517

DATED:11.03.2022

DECREE

C.M.A.Nos.4044 of 2019 and 1107 of 2020

Partly allowing and dismissing the Civil Miscellaneous Appeals are preferred against the judgment and decree dated dated 30.08.2018 passed in MCOP No.2762 of 2013 by the II Court of Small Causes, Motor Accident Claims Tribunal, Chennai etc as stated within.

(CO)
A.SK(30/03/2022)