



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Fourth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD) . No.771 of 2021

Johnpaul @ Rajendran

... Appellant/Claimant

Vs

1 SUMALATHA

2 The Managing Director,
Cholamandalam M/s.Genreal Insurance Company Limited,
Dare House, 2nd Floor,
No.2, NSC Bose Road,
Chennai-1.

... Respondents/Respondents

Prayer:-

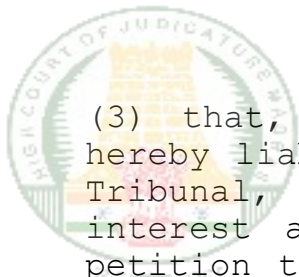
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal/Additional Sub Judge, Pudukkottai dated 13/11/2019 made in MCOP.No.16 of 2015.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this day, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.N. KAMESH, Advocate for the Appellant and of MRS.K.R.SHIVASHANKARI, Advocate for the 2nd Respondent and the first respondent not appeared either in person or by an advocate, this Court while **Allowing the Appeal in part** and in modification of the award of the Tribunal below, doth order and decree as follows:-

(1) That the compensation award passed by the Motor Accidents Claims Tribunal/Additional Sub Judge, Pudukkottai dated 13/11/2019 made in MCOP.No.16 of 2015 be and hereby upheld;

(2) that, the award passed by the Tribunal with regard to the liability be and hereby is modified and the negligence on the part of the driver of the TATA ACE vehicle bearing Registration No. TN-55-AD-0019 and the rider of the two wheeler bearing Registration No. TN-55-AD-0019 is fixed in the ratio 70:30;



(3) that, the Second Respondent herein/Insurance Company be and hereby liable to pay 70% of the compensation amount awarded by the Tribunal, less the amount already deposited, if any together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.16 of 2015 on the file of the Motor Accidents Claims Tribunal/Additional Sub Judge, Pudukkottai within a period of 4 weeks from the date of receipt of copy of a copy of this order;

(4) that, on such deposit being made, the Appellant herein/claimant be and hereby permitted to withdraw the 70% of compensation awarded by the Tribunal together with the interest accrued thereon, and cost after filling necessary application before the Tribunal and

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The MOTOR ACCIDENT CLAIMS TRIBUNAL/ADDITIONAL SUB JUDGE,
PUDUKKOTTAI.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mrs.K.R.SHIVA SHANKARI, Advocate (SR-2270)

ORDER DATED : 24/01/2022

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DECREE

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CMA(MD). No.771 of 2021

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against award of the Motor Accidents Claims Tribunal/Additional Sub Judge, Pudukkottai dated 13/11/2019 made in MCOP.No.16 of 2015 and etc., as stated within.