



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT,
(Civil Appellate Jurisdiction)

Wednesday, the Fifth day of January Two Thousand and Twenty Two

PRESENT:

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD) No.766 of 2021

THE BRANCH MANAGER,
CHOLAMANDALAM M/S.GENERAL INSURANCE COMPANY LTD.,
I FLOOR, MEENA AGENCIES UPSTAIRS,
2661 SOUTH STREET
THANJAVUR-613009.

... Appellant/2nd Respondent.

Vs

1 SUSEELA ...1st Respondent/Petitioner.

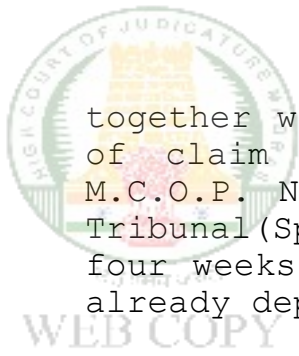
2 THIRUCHITRAMBALAM ...2nd Respondent/1st Respondent.

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal(Special Subordinate Judge) Thanjavur, dated 05/04/2021 made in M.C.O.P. No.1271 of 2019.

DECREE:- This Civil Miscellaneous Appeal is coming on for hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of M/S.K.R.SHIVASHANKARI, Advocate for the Appellant and of MR.P.SURLIRAJA, Advocate for the 1st Respondent and the second respondent not appeared either in person or by an Advocate, this Court while allowing the appeal in part, doth order and decree as follows:-

(1) that the award passed by the Motor Accident Claims Tribunal (Special Subordinate Judge) Thanjavur, dated 05/04/2021 in M.C.O.P. No.1271 of 2019, be and hereby is reduced from Rs.4,21,560/- to Rs.2,99,400/- (Rupees two lakhs ninety nine thousand and four hundred only)which shall carry interest at the rate of 7.5% per annum;

(2) that the Appellant/Insurance Company be and hereby is directed to deposit a sum of Rs.2,99,400/- (Rupees two lakhs ninety nine thousand and four hundred only) less the amount already deposited



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 M.C.O.P. No.1271 of 2019 on the file of the Motor Accident Claims Tribunal(Special Subordinate Judge) Thanjavur, within a period of four weeks from the date of receipt of copy of this Order, if not already deposited;

(3) that on such deposit being made, the first respondent/claimant be and hereby at liberty to withdraw the same with proportionate interest and costs, by filing necessary application. If the entire award amount is already paid by the appellant/insurance company, the appellant/insurance company be and hereby is permitted to withdraw the excess amount with accrued interest and

(4)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal
(Special Subordinate Judge), Thanjavur.

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai(2 Copies)

+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate (SR-407 dated
05/01/2022)

+1 CC to M/s.P.SURLIRAJA, Advocate (SR-420 dated 05/01/2022)

ORDER DATED : 05/01/2022

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DECREE

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CMA(MD) No.766 of 2021

Allowing the Civil Miscellaneous Appeal in part preferred against the award of the Motor Accident Claims Tribunal(Special Subordinate Judge) Thanjavur, dated 05/04/2021 made in M.C.O.P. No.1271 of 2019 and etc., as stated within.

RD(17.02.2022) 2P 6C

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