



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Monday, the Seventh day of March Two Thousand Twenty Two
PRESENT**

**The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
CMA(MD) . No.1180 of 2016**

WEB COPY

THE MANAGER,,
BHARTI AXA GENERAL INSURANCE COMPANY LTD.,
BANGALORE. ... Appellant/2nd Respondent

Vs

1.Karuppusamy

2.Machavalli

3.Senthilkumar ...Respondents 1 to 3/Petitioners 1 to 3

4.Mercury Car Rentals Ltd.,
No.1/24, GST Road,
Meenambakkam, Chennai. ...4th Respondent/1st Respondent

Prayer:-

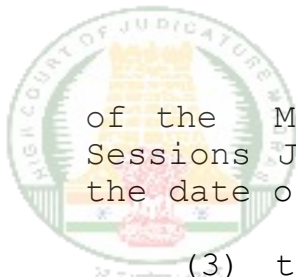
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Judgment and Decree of the Motor Accidents claims Tribunal/I Additional District and Sessions Judge, (P.C.R), Thanjavur dated 25.01.2016 made in M.C.O.P.NO.451 of 2015.

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.G.MARUTHIAH, Advocate for the Appellant and of Mr.P.PETHU RAJESH, Advocate for the Respondents 1 to 3 and the 4th Respondent not appeared either in person or by an advocate, this Court while allowing this appeal in part and in modification of the order of the Tribunal below, doth order and decree as follows:-

(1) That, rate of interest for the compensation awarded by the Motor Accidents claims Tribunal/I Additional District and Sessions Judge, (P.C.R), Thanjavur dated 25.01.2016 made in M.C.O.P.NO.451 of 2015 be and hereby is reduced to 7.5% from 9%; per annum

(2) that, the Appellant/Insurance Company be and hereby is directed to deposit the entire compensation awarded by the Tribunal ie., Rs.14,71,000/- (Rupees Fourteen Lakhs and Seventy One Thousand only), (if not 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.451 of 2015 on the file



of the Motor Accidents claims Tribunal/I Additional District and Sessions Judge, (P.C.R), Thanjavur within a period of 8 weeks from the date of receipt of copy of this order;

(3) that, on such deposit being made by the Appellant, the Respondents 1 to 3 herein/claimants be and hereby are permitted to withdraw the entire amount as apportioned by the Tribunal after following the due process of law 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 Accidents claims Tribunal/
I Additional District and Sessions Judge, (P.C.R),
Thanjavur.

Copy to:

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

+1 CC to Mr.P.PETHU RAJESH, Advocate (SR-10269)

ORDER DATED : 07/03/2022

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DECREE

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CMA(MD). No.1180 of 2016

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part, preferred against the award of the Motor Accidents claims Tribunal/I Additional District and Sessions Judge, (P.C.R), Thanjavur dated 25.01.2016 made in M.C.O.P.NO.451 of 2015 and etc., as stated within.

RD(29.03.2022) 2P 5C