



WEB COPY

C.M.A.No.141



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

C.M.A.No.1411 of 2022

Katari Muniswamy (died)

1.Katari Prudhvi

2. Katari Sai Krishna

... Appellants

Vs.

1.P.Udhayakumar

2. The New India Assurance Co. Ltd.

Divisional Office, 6th floor

Parry's corner, George Town

Chennai-600 001.

Branch Office

166, MRN Towers

J.N.Road, V.M.Nagar

Tiruvallur – 602 001.

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 praying against the judgment and decree dated 24.03.2021 made in M.C.O.P.No.168 of 2019 on the file of the Motor Accidents Claims Tribunal, Special District Court No.I to deal with MCOP cases, Tiruvallur.



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For R1 : No appearance

For R2 : Mr.T.Jayaraman

JUDGMENT

Learned counsel for the appellants submits that this appeal is filed by the sons of the deceased Katari Muniswamy, who died subsequent to passing of the award dated 24.03.2021 made in M.C.O.P.No.168 of 2019 on the file of the Motor Accidents Claims Tribunal, Special District Court No.I to deal with MCOP cases, Tiruvallur and before filing of the present appeal. The said Katari Muniswamy filed M.C.O.P.No.168 of 2019 for the injuries sustained by him in the accident that took place on 27.10.2017 and the Tribunal awarded a sum of Rs.20,000/- as compensation to him. The learned counsel fairly submits that the said award may be confirmed and the sons of the deceased may be permitted to withdraw the said amount equally.

2. Recording the above submissions made by the learned counsel for the appellants, this appeal is disposed of confirming the award of the Tribunal dated 24.03.2021 made in M.C.O.P.No.168 of 2019 on the file of the Motor Accidents Claims Tribunal, Special District Court No.I to deal with MCOP cases, Tiruvallur. In view of my finding on liability in the connected appeal, the 2nd respondent/Insurance Company is directed to deposit the award amount of Rs.20,000/- along with 7.5%



interest, within a period of twelve weeks from the date of receipt of a copy of this judgment and then recover the same from the owner of the lorry, 1st respondent. On such deposit being made, the appellants/claimants shall be entitled to withdraw the amount equally, by making proper application before the Tribunal. The appeal is disposed of with the above direction. There shall be no order as to costs.

19.06.2023

(2/2)

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

1. The Special District Court No.I to deal with MCOP cases
Motor Accidents Claims Tribunal
Tiruvallur.

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



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N.MALA.J.,

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