



C.M.A.No.4195 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.02.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

C.M.A.No.4195 of 2019

and

CMP.No.23705 of 2019

New India Assurance Co., Ltd.,
No.2, B.R. Complex, Woods Road,
Chennai – 600 002.

... Appellant

vs.

V.M.G.Rajendran (died)
(deleted as per the order
in MP.No.206 of 2017 dated 10.02.2017

1. Kalapana Rajendran
B. Rasheed (deceased)
2. R. Shamshad Bivi
3. R. Yasmin (Minor)
4. R. Abdul Rafi (Minor)
5. R. Aishwarya Banu (Minor)
(Minors 3 to 5 were rep by their
mother Mrs. Shamshad Bivi)

6. Gilaka Bi
S. Baji Sahib (died)
(deleted as per the order dt 26.08.2013
in MP.No.546 of 2013)

7. B. Amirthalakshmi
8. Minor . Ashmitha Arvind

... Respondents

Rep by her mother Mrs. Amirthalakshmi
(Respondents 7 & 8 are added as per order
in MP.No.2491/2016 dt 11.01.2017)



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Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree made in M.C.O.P.No.328 of 2010 dated 04.05.2017 on the file of the Motor Accidents Claims Tribunal (III Small Causes Court), Chennai District.

For Appellant : Mr.J. Chandran

For Respondents : Mr.S.A. Rajan for R 1

J U D G M E N T

This appeal has been filed by the appellant/Insurance Company to set aside the Judgment and Decree made in M.C.O.P.No.328 of 2010 dated 04.05.2017 on the file of the Motor Accidents Claims Tribunal (III Small Causes Court), Chennai District.

2. Heard the learned counsel for the appellant and learned counsel for the first respondent and perused the materials available on record.



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3. The learned counsel for the appellant has submitted that the Insurance Company has preferred an appeal in CMA.No.4016 of 2019 as against the Judgment and Decree passed in MCOP.No.4268 of 2012 by the Motor Accident Claims Tribunal, (III Small Causes Court, Chennai). In the said CMA, the Division Bench of this court by its order dated 15.12.2021 has observed as follows:

"In such view of the matter, this Civil Miscellaneous Appeal is partly allowed and the award amount of Rs.2,27,99,000/- is reduced to Rs.1,46,65,000/- Out of the amount, the wife of the deceased is entitled to Rs.50,00,000/-; the daughter of the deceased is entitled to Rs.70,00,000/- and the mother of the deceased is entitled to Rs.26,65,000/- with proportionate interest and cost. ..."

4. This Court, based on the observation made by the Division Bench of this court on 15.12.2021, awards the same compensation i.e., a sum of Rs.26,65,000/- with proportionate interest and cost to the mother of



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the deceased in M.C.O.P.No.328 of 2010.

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5. With the above observation, the Civil Miscellaneous Appeal is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Index : yes/no
Internet : yes/no
gv

27.02.2023

To

1. The Motor Accident Claims Tribunal
(III Small Causes Court), Chennai District.
2. The Section Officer,
V.R.Section, High Court, Madras.



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A.A.NAKKIRAN.,J

gv

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