



C.M.A(MD)No.156 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.04.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.156 of 2012

The Oriental Insurance Company Limited,
Divisional Office No. IV,
No. 12, Jain Bhawan Shahid Bhagat Singh Marg,
New Delhi.

... Appellant

Vs.

1. J.Mayil Vahanan

2. Minor.Gowthaman

3. Minor.Selva Preethi

4. M/s. Friends Transport Company,
Old Railway Road,
Handa Complex,
Near Sant Cinema, Jalandar,
Punjab.

5. Sh. Shiv Kumar Gupta

... Respondents

[The 4th and 5th respondents are remained exparte before the Tribunal]

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award made in M.C.O.P.No.111 of 2005 dated 16.09.2010 on the file of the Motor Accident Claims Tribunal cum Additional District Judge (FTC No.1), Thoothukudi.



C.M.A(MD)No.156 of 2012

For Appellant : Mr.E.Chandrasekaran
For R-1 to 3 : Mr.R.T.Arivu Kumar
For R-4 & 5 : No Appearance

JUDGEMENT

The Insurance Company has preferred this appeal against the award passed in M.C.O.P.No.111 of 2005 dated 16.09.2010 on the file of the Motor Accident Claims Tribunal cum Additional District Judge (FTC No.1), Thoothukudi.

2. It is a case of fatal. The contention of the insurance company is that the Car and bus were involved in the accident. The Tribunal has rightly fixed contributory negligence on the Insurance Company of the Car as well as the Transport Corporation. However, there was imposition of interest alone, the reason cited by the Insurance Company is that the other persons who were travelled/injured had preferred claim petition before the Tribunal, belatedly.

3. In such circumstances, the Tribunal has failed to consider that the interest amount cannot be imposed on the insurance company. This Court is not inclined to accept the contention of the insurance company.



C.M.A(MD)No.156 of 2012

4. Therefore, in toto, it is seen that the Insurance Company has already deposited 50% of the awarded amount. The interest is coming for a period from 20.07.2005 to 16.09.2010 as Rs.2,20,662/-. The same may be paid. As far as the balance amount of 50% is concerned, the insurance company shall deposit 50% of the interest alone. The rest of the order passed by the Tribunal is hereby confirmed.

5. With these modifications, this Civil Miscellaneous Appeal is disposed of. No Costs.

23.04.2024

[1/2]

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Motor Accident Claims Tribunal/
Additional District Court (FTC No.1),
Thoothukudi.

2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.156 of 2012

S.SRIMATHY, J.

KSA

**Order made in
C.M.A(MD)No.156 of 2012
[1/2]**

23.04.2024