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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.128 of 2016

and

C.M.P(MD)No.2120 of 2016

The Branch Manager,
M/s.United India Insurance Company Limited,
Ambasamudram,
Tirunelveli District.

... Appellant

Vs.

1. Sakthivel Murugan
(represented by his wife and guardian Vasanthi)

2. Arulanantham

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 29.11.2013 made in M.C.O.P.No.112 of 2010 on the file of the Motor Accident Claims Tribunal (Principal Sub Court) Tenkasi.

For Appellant : M/s.B.Rajesh Saravanan

For Respondents : Mr.A.Anandan,
No Appearance – for R-1
Mr.V.R.G. Mohan, for R-2



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JUDGEMENT

The Insurance Company has preferred this Appeal against the Judgment and Decree, dated 29.11.2013 passed in M.C.O.P.No.112 of 2010 on the file of the Motor Accident Claims Tribunal (Principal Sub Court) Tenkasi.

2. It is a case of injury. The contention of the Insurance company is that the claimant is the Tortfeasor, who was travelling in the alleged two-wheeler which had hit the stationed four-wheeler. The First Information Report was also registered to this effect. However, the claim of the claimant is that the four-wheeler only has hit the two-wheeler. The said contention is not acceptable since the First Information Report has stated opposite version of the claimant. Since he is owner of the vehicle, he is entitled to personal accident claim only. Therefore, this Court is inclined to grant a sum of Rs.3,07,457/-as compensation, under personal accident claim. However, the same shall carry only 6% interest from the date of filing of the Civil Miscellaneous Appeal i.e., 08.12.2014.

3. With these modifications, this Civil Miscellaneous Appeal is allowed. The Insurance Company is directed to deposit a sum of Rs.3,07,457/- as compensation with 7.5% interest along with costs for the interest from the



date of accident till the date of the order passed by the Tribunal, within a period of 8 weeks from the date of receipt of a copy of this Judgment. There after the said amount shall carry only 6% interest from the date of filing of the Civil Miscellaneous Appeal i.e., 08.12.2014. On such deposit, the claimant is entitled to withdraw the same, as per law. No Costs. Consequently, connected miscellaneous petition is closed.

19.06.2024

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

To

1. The Motor Accident Claims Tribunal/
Principal Sub Court, Tenkasi.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Judgment made in
C.M.A(MD)No.128 of 2016**

19.06.2024