



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

Wednesday, the Nineteenth day of January Two Thousand and Twenty
Two

PRESENT

THE HONOURABLE MRS. JUSTICE S.ANANTHI
C.M.A.(MD). No.1366 of 2016

WEB COPY

1. The New India Assurance Company Limited,
Karaikudi, through its Branch Manager
... Appellant /2nd Respondent

Vs

1. Lekkammal
2. Ganeshvel
... Respondents No.1 & 2/
Petitioners

3. Somu
... 3rd Respondent/
1st Respondent

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 25.02.2014 made in M.C.O.P. No.374 of 2001, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Palani.

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. J.S.Murali, Advocate for the Appellant and Mr.G.Venugopal, Advocate for the Respondents No. 1 and 2 and none appeared for Respondent No. 3 and this Court while allowing the Appeal in part and confirming the quantum of compensation awarded by the Tribunal; doth order and decree as follows:-

- 1.That the Appellant/Insurance Company be and hereby directed to deposit the award dated 25.02.2014 made in M.C.O.P. No.374 of 2001, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Palani ie., Rs.6,00,000/- (Rupees Six Lakhs only) 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 MCOP.No. 374 of 2001 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Palani within a period of six weeks from the date of receipt of this Judgment and then recover the same from the owner of the lorry bearing Registration No. TN 63 Z 0297;
- 2.That on such deposit being made, the respondents 1 and 2 be and hereby are at liberty to withdraw the same after following due process of law;



3. That the appointment granted by the Tribunal shall be kept intact; and;

4. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal,
Subordinate Court,
Palani.

Copy to:

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

+1CC to Mr.M.P.Senthil, Advocate in Sr. No.1662 dt. 19.01.2022.

+1CC to Mr. J.S.Murali, Advocate in Sr. No.1780 dt. 19.01.2022

ORDER DATED 19.01.2022

DECREE

C.M.A. (MD) No.1366 of 2016

Allowing the Civil Miscellaneous Appeal in part against the award dated 25.02.2014 made in M.C.O.P. No.374 of 2001, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Palani etc., as stated within.

RK(18/02/2022) 2P 6C