



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

Thursday, the Twenty Fourth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) No.1018 of 2016

The Branch Manager,
United India Insurance Co. Ltd.,
28, Mailam Road,
Meenakshi Complex,
2nd Floor, Thindivanam,
Viluppuram District.

... Appellant/2nd Respondent

Vs.

1.Sujatha
2.Minor Selvi Hamsarani
3.Minor Selvi Mahirani

... Respondents 1 to 3/
Petitioners 1 to 3

(Minor respondents 2 and 3 are represented by
their mother and natural guardian - 1st
respondent.)

4.K.M.Mohamed Ibrahim
5.Palanisamy Thevar
6.G.Ramprasath

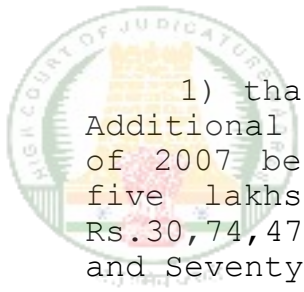
... 4th Respondent/1st Respondent

7.The New India Assurance Co. Ltd.,
West Kadarkarai Chambers 1st Floor,
G.N.Chetty Theru,
Chennai - 17.

... Respondents 5 to 7/
Respondents 3 to 5

Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988 against the Judgment and Decree dated
20.04.2015 on the file of the Motor Accident Claims Tribunal
-IV, Additional Sub Judge, Madurai.

DECREE : This Appeal coming on for hearing on this day upon
perusing the grounds of Appeal, the order of the Lower Court,
and the material papers in this appeal upon hearing the
arguments of Mr.G.Prabhu Rajadurai, Advocate for the Appellant
and Mr.N.V.Suresh kumar, Advocate for the Respondent 1 to 3 and
Mr.P.Malini Advocate for the 7th Respondent and Respondents 4 to
6 having not appeared either in person or by an advocate, while
this Court partly Allowing the appeal, doth order and decree as
follows :



1) that the award passed by the Motor Accident Claims Tribunal-IV Additional Sub Judge, Madurai, dated 20.04.2015 made in M.C.O.P.No.1435 of 2007 be and hereby is Reduced from Rs.35,17,152/- (Rupees thirty five lakhs Seventeen thousand one hundred and fifty two only) to Rs.30,74,472/- (Rupees Thirty Lakhs Seventy Four Thousand Four Hundred and Seventy Two only) ;

WEB COPY

2) that the Respondents 1 to 3 herein/Claimants 1 to 3 be and are hereby entitled to a sum of Rs.30,74,472/- (Rupees Thirty Lakhs Seventy Four Thousand Four Hundred and Seventy Two only) with interest at the rate of 7.5% per annum and proportionate costs, from the date of petition till date of realisation;

3) that the first Respondent herein/first claimant be and hereby in entitled to a sum of Rs.15,00,000/- (Rupees fifteen lakhs only)

4) that the Respondents 2 and 3 herein/Claimants 2 and 3 be and hereby entitled to sum of Rs.7,87,236/- (Rupees Seven Lakhs Eighty Seven Thousand Two Hundred and Thirty Six only) each;

5) that the appellant herein/Insurance Company be and hereby directed to deposit the compensation amount, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment, along with accrued interest and proportionate costs;

6) that the on such deposit, the first Respondent herein/first Claimant be and hereby in entitled to withdraw the claimant share amount Rs.15,00,000/- (Rupees fifteen lakhs only) with accrued interest and proportionate costs ;

7) that insofar as the minor respondents 2 and 3 herein / claimants 2 and 3 are concerned, the Tribunal shall deposit the claimants 2 and 3's share amounts in a fixed deposit with any one of the nationalised banks initially for a period of three years, and renewable thereafter;

8) that the first Respondent herein/first Claimant be and hereby in permitted to withdraw the accrued interest from the respective shares of the minor respondents 2 and 3 herein /claimants 2 and 3 once in six months;

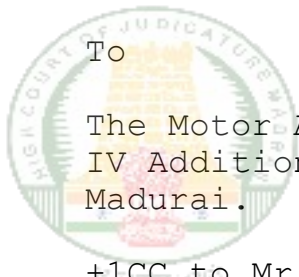
9) that the respondents 2 and 3 herein /claimants 2 and 3 on attainment of Majority, be and hereby are entitled to withdraw their respective shares, subject to proof; and

10) that there be no costs in this Civil Miscellaneous Appeal.

sd/-

Assistant Registrar (CO)

/ TRUE COPY /



To

The Motor Accident Claims Tribunal -
IV Additional Sub Judge,
Madurai.

+1CC to Mr.G.Prabhu Rajadurai, Advocate Sr.No.72605

+1CC to Mrs.P.Malini, Advocate Sr.No.72282

+1CC to Mr.N.V.Suresh kumar, Advocate Sr.No.72336

Copy To : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

GJM/GSV/PM/25.1.17-3p-6C

DECREE

IN

CMA(MD) No.1018 of 2016

Date :24/11/2016

Nature Of DECREE : Allowing the
Appeal part and Modifying the
award passed in
M.C.O.P.No.1435/2007 dated
20.04.2015 on the file of the
Motor Accident Claims Tribunal-
IV, Additional Sub Judge,
Madurai etc., as stated within.