



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

Wednesday, the Twentieth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMA.(MD).Nos.243 and 309 of 2016 and
CMP(MD).No.4382 of 2016

CMA (MD) .No.243 of 2016

1. T. Sumathi
2. Minor T. Deepak
3. Minor T. Devadharshini
4. Chinnasamy
5. Muthathal
(Appellants 2 and 3
rep. by 1st Appellat) : Appellants

Vs.

1.M/s. National Insurance Company Limited,
D.No.333/1, Seekalai Road,
Karaikudi Town, Karaikudi, Sivagangai District
rep. by its Branch Manager,
M. Kannan (died)
2.Murugeswari
3.Minor Sathishkumar
4.Minor Sandhya
5.Kaliammal
(Respondents 3 and 4 rep. by
2nd respondent herein) : Respondents

CMA (MD) .No.309 of 2016

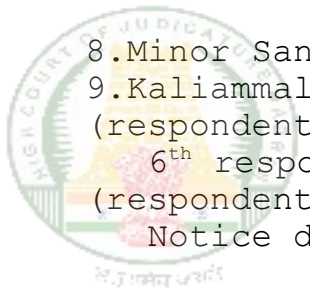
M/s. National Insurance Company Limited,
(through its Branch Manager.
D.No.333/1, Ceekalai Road,
Karaikudi Town, Karaikudi,
Sivagangai District : Appellant

Vs.

1. T. Sumathi
2. Minor T. Deepak
3. Minor T. Devadharshini
4. Chinnasamy
5. Muthathal
(respondents 2 and 3 rep. by 1st respondent)

M. Kannan (died)
6.Murugeswari

7.Minor Sathishkumar



8.Minor Sandhya

9.Kaliammal

: Respondents

(respondents 7 and 8 rep. by
6th respondent herein)

(respondents 6 to 9 ex parte before the Tribunal
Notice dispensed with)

Prayer in both CMAs: Both the Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act against the fair and decretal order dated 21.09.2015 passed in MCOP.No.80 of 2010, on the file of the Motor Accidents Claims Tribunal / District Court, Sivagangai.

CMA(MD) .No.243 of 2016

For Appellant : Mr. VR. Sanmuganathan

For R1 : Mr. J. S. Murali

For R2 to R5 : Mr. S. Srinivasa Raghavan

CMA(MD) .No.309 of 2016

For Appellant : Mr. J. S. Murali

For R1 to R5 : Mr. VR. Sanmuganathan

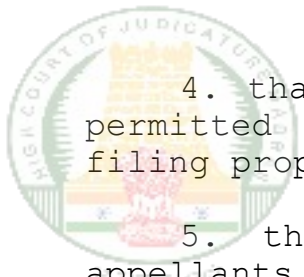
For R6 to R9 : Mr. S. Srinivasa Raghavan

These appeals are coming on this day for hearing before this Court, upon perusing the grounds of appeal, the order of the lower court and the material papers in these appeals and upon hearing the arguments of Mr.V.R.Shanmuganathan, Advocate for the appellants in CMA 243 of 2016 for the respondents 1 to 5 in CMA 309/2016 and Mr.J.S.Murali learned counsel for the first respondent in CMA 243/2016 and for the appellant in CMA 309/2016 and Mr.S.Srinivasaraghavan learned Counsel for the respondents 2 to 5 in CMA 243/2016 and for the respondents 6 to 9 in CMA 309/2016, this Court while allowing the CMA (MD)No.243 of 2016, and modifying the decree of the Court below and dismissing CMA(MD)No.309 of 2016, doth order and decree as follows :

1) that the compensation awarded by the MACT/District Court Sivagangai in MCOP No.80 of 2010 be and hereby is enhanced from Rs.11,00,000/- to Rs.15,00,000/- together with interest at the rate of 7.5% per annum in view of the restriction of claim by the claimants/appellants in the claim petition.

2. that the Insurance Company do deposit the said compensation of Rs.15,00,000/- (Rupees fifteen lakhs only) together with interest, after deducting the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order.

3. that on such deposit, the first appellant/claimant shall be entitled to a sum of Rs.7,00,000/- (Rupees Seven lakhs only) and the appellants 2 to 5 / claimants shall be entitled to a sum of Rs.2,00,000/- (Rupees Two lakhs only) each, together with accrued interest thereon.



4. that the claimants /appellants 1,4 and 5 be and hereby are permitted to withdraw their respective share of compensation, on filing proper application before the Tribunal.

5. that the compensation awarded to the minor claimants, appellants 2 and 3 be and hereby is directed to be deposited in any one of the Nationalised Banks till they attain majority.

6. that the mother of the minor claimants, first appellant be and is hereby permitted to withdraw the interest accrued in respect of share of minors once in three months directly from the Bank ;

7 that there be no costs in these Appeals.

sd/-

Assistant Registrar (CS-I)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
THE DISTRICT JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
SIVAGANGAI DISTRICT

+2CC to Mr.V.R.Shanmuganathan Advocate Sr.No.21970, 21969
+2CC to Mr.J.S.Murali, Advocate Sr.No.22183, 22184

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

GJM/SKS/RR/SAR-I-23.6.16-3p-7C

DATED :20/04/2016

DECREE

IN

CMA(MD) No.243 AND 309 of 2016

Allowing the CMA(MD)No.243 of 2016
and dismissing the appeal in CMA(MD)
No.309 of 2016 etc., as stated
within.