



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMA(MD) No.590 of 2015

THE ORIENTAL INSURANCE COMPANY LTD.,
REP.BY ITS BRANCH MANAGER,
SRI. VIJAY COMPLEX UPSTAIRS
OPPOSITE TO THENI BUS STOP
THENI DISTRICT.

.. Appellant /2nd Respondent

-Vs-

1.MARIYAMMAL

2.MINOR. CATHREEN

3.MINOR.SWETHA
(MINORS 2ND AND 3RD RESPONDENTS ARE
REP. BY THEIR GUARDIAN AND MOTHER
MARIAMMAL, 1ST RESPONDENT)

4.SAVARIAMMAL

.. 1-4th Respondents/1-4th Petitioners

5.S.RAVICHANDRAN

.. 5th Respondent/1st Respondent

Civil Miscellaneous Appeal against the Judgment and decree passed in M.C.O.P.No.126/2012 dated 03.06.2014 on the file of the file of the Motor Accident Claims Tribunal Cum Sub Judge (in-Charge), Periyakulam.

ORDER : This Appeal coming on for hearing on this day upon hearing the grounds of Appeal, the order of the Lower Court, and material papers and upon hearing the arguments of Mr.K.Bhaskaran, Advocate for the Appellant and of Mr.A.Sivasubramanian, Advocate for the Respondents 1 to 3 and of 4th and 5th respondents not appeared either in person or an Advocate, this Court while dismissing this Civil Miscellaneous Appeal doth order and decree as follows ;

1) that the Appeal against the Judgment and Decree passed in M.C.O.P.No.126 of 2012 dated 03.06.2014 on the file of the Motor Accidents Claims Tribunal Cum Sub Judge (in-Charge), Periyakulam be and hereby is confirmed and this Civil Miscellaneous Appeal is dismissed.

2) that as the Appellant /Insurance Company has deposited the entire award amount before the Tribunal the appellant/Insurance company is set at its liberty to recover the award amount from the owner of the vehicle/5th respondent by filing appropriate proceedings before the executing court.



3. that the I and IV Respondents herein/ Claimants 1 and 4 be and hereby are permitted to withdraw their respective shares along with the accrued interest by filing a necessary application before the trial Court.

4. that the Appellant Insurance/Company be and hereby is directed to deposit the shares of the minors /respondents 2 and 3 in any one of the Nationalized Banks till they attain majority.

5. that the first respondent/mother of the Minors be and hereby is permitted to withdraw the Interest arising out of the said amount once in Six months.

6. that there be no order as to costs in this Civil Miscellaneous Appeal.

sd/-

Assistant Registrar (CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1.Motor Accidents Claims Tribunal cum Sub Judge, (in-charge),
Periyakulam.

Copy To ;The Section Officer,Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.K.Bhaskaran, Advocate Sr.No.65525

+1CC to Mr.A.Sivasubramanian, Advocate Sr.No.65441

GJM/BS/SAR-I-9.3.17-2p-5C

DECREE

IN

CMA(MD) No.590 of 2015

Date :03/11/2016

Dismissing the Civil Miscellaneous Appeal against the Judgment and decree passed in M.C.O.P.No.126/2012 dated 03.06.2014 on the file of the Motor Accidents Claims Tribunal Cum Sub Judge (in-Charge) Periyakulam and etc., as stated within.