



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Eighth day of November Two Thousand and Sixteen

P R E S E N T

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.835 of 2016

The Branch Manager,
The Oriental Insurance Company Limited,
First Floor, B.D.J Center,
Vadasery Bus Stand (opp),
Nagercoil. .. Appellant/2nd Respondent

-Vs-

1.Selvajothi
2.Minor Kalaivani
3.Minor Jothilingam
4.Minor Sivaprakash
5.Minor Ashok Kumar .. Respondents 1 to 5/Petitioners 1 to 5

6.Richard Jegan .. 6th Respondent/1st Respondent
(RR 2 to 5 are rep. By
their mother/natural guardian,
first respondent)

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 14.03.2012 made in M.C.O.P.No.124 of 2009 on the file of the Motor Accident Claims Tribunal cum Sub Judge, Valliyoor.

ORDER: 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, and upon hearing the arguments of MR.K.BHASKARAN, Advocate for the appellant and of MR.J.SHANKARA PANDIAN for MR.PALANIVELAYUTHAM, Advocate for the respondents 1 to 5 and sixth respondent having not appeared either in person or by an Advocate and the appellant herein/Insurance Company had been already deposited a sum of Rs.7,00,000/- before the Tribunal and this Court, while dismissing the appeal, doth order and decree as follows:-

i. that the award dated 14.03.2012 made in MCOP.No.124 of 2009 on the file of the Motor Accident Claims Tribunal cum Sub Judge, Valliyoor be and hereby is confirmed;

ii. that the appellant herein/Insurance Company be and hereby is directed to deposit the balance amount along with proportionate interest and costs within a period of four weeks from the date of receipt of a copy of this Judgment;



iii. that there after, the first respondent / petitioner be and hereby is permitted to withdraw her share, as per the ratio of apportionment made by the Tribunal, with proportionate accrued interest and costs by filing necessary application before the Tribunal;

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iv. that the Tribunal be and hereby is directed to deposit the share of the minor-second to fifth respondents in any one of the Nationalized Banks, and fixed deposit scheme, till they attain majority;

v. that the first respondent herein/Petitioner who is the mother and guardian of the minor claimants be and hereby is permitted to withdraw the accrued interest of the minor once in three months directly from the bank, and welfare of minors; and

vi. that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(C.O,)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal cum Sub Judge, Valliyoor.

Copy to:

The Section Officer / Record Keeper,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.Palani Velayudham, Advocate, SR NO 67313

+1cc to Mr.K.Bhaskaran, Advocate, SR NO 66928.

ORDER DATED : 08.11.2016

DECREE

C.M.A(MD)No.835 of 2016

Nature of **DECREE**: Dismissing the appeal preferred against the judgment and decree dated 14.03.2012 made in MCOP.No.124 of 2009 on the file of the Motor Accident Claims Tribunal cum Sub Judge, Valliyoor, etc., as stated within.