

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NO.2442 OF 2015
AND M.P.NO.1 OF 2015

M/s.Royal Sundaram Alliance Insurance Co. Ltd.,
Rep. by its Manager
No.3, II Floor, Khadar Nawas Khan Road,
Nungambakkam,
Chennai - 600 034. ... Appellant/Second Respondent

Versus

1.S.Latha
2.Sudharsan (Minor)
3.Kowsika (Minor)
4.Sivalingam
(Respondents 2 & 3 Minors
Rep. by mother and NF 1st respondent)
...Respondents/Petitioners
5.J.A.Malarvizhi ...5th Respondent/1st Respondent

PRAYER: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 31.03.2015 passed in MCOP No.333 of 2013 by the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

For Appellant : Mr.N.Vijayaraghavan

For Respondents 1-4 : Mr.V.Vijayakumar

J U D G M E N T

(JUDGMENT OF THE COURT WAS MADE BY S.MANIKUMAR, J.)

Quantum of compensation of Rs.43,57,000/- with interest, at the rate of 7.5% and costs awarded to the legal representatives of the deceased in M.C.O.P.No.333 of 2013 dated 31.03.2015 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri, is the only challenge in this appeal.

2. After filing of the present appeal, respondent no.4, father of the deceased, has expired.

3. On this day, when the appeal came up for hearing, Mr.N.Vijayaraghavan, learned counsel appearing for M/s.Royal Sundaram Alliance Insurance Company Limited and Mr.V.Vijayakumar, learned counsel appearing for the respondent nos.1 to 3 have consented that the quantum of compensation be fixed as Rs.40,00,000/- with proportionate interest, at the rate of 7.5% per annum from the date of claim and costs. Their submission is placed on record.

4. Placing on record the above, quantum of compensation awarded by the Tribunal is reduced by Rs.3,57,000/-.

5. Both the learned counsel for the parties submitted that the award amount with proportionate interest and costs has already been deposited to the credit of M.C.O.P.No.333 of 2013.

6. Consequent to the reduction in the quantum of compensation, M/s.Royal Sundaram Alliance Insurance Company Limited is permitted to seek for return of the balance amount from the deposit with proportionate interest.

7. Before the Tribunal, a sum of Rs.7,57,000/- has been apportioned to respondent no.4 / father of the deceased. Inasmuch as his legal representatives have not been impleaded in the present appeal, in the interest of justice, we deem it fit to dispose of the appeal giving permission to the legal representatives of respondent no.4 to seek for disbursement of the compensation apportioned to him, with interest, by making necessary applications before the Tribunal. The Tribunal is directed to disburse the compensation only on proper identity and proof.

8. It is represented that respondent nos.2 and 3 in the appeal, have attained majority. Ascertaining proof of the same, Tribunal is directed to pass appropriate orders.

9. In fine, the Civil Miscellaneous Appeal is allowed in part as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

TK

To

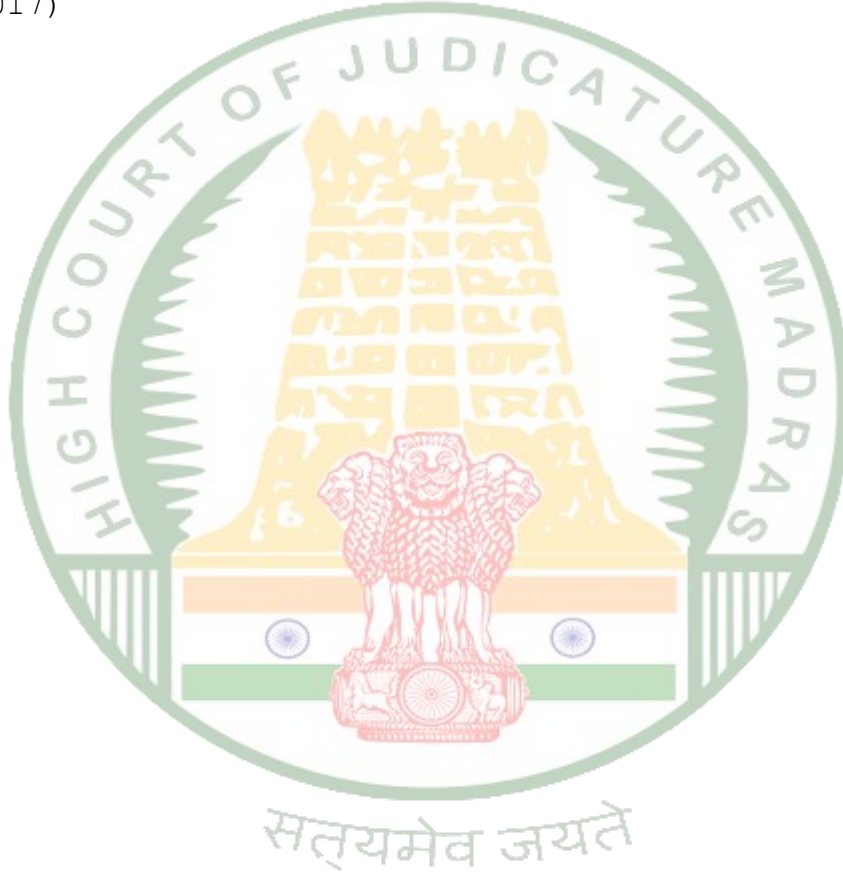
The Motor Accident Claims Tribunal
Special District Court
Krishnagiri.

+1cc to Mr.M.B.Gopalan,Advocate sr.15653

+1cc to Mr.V.Vijayakumar,Advocate sr.15238

C.M.A.NO.2442 OF 2015

ev(co)
ss(21/3/2017)



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