

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

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

C.M.A.No.674 of 2017
C.M.P.No.3799 of 2017

The National Insurance Company Ltd.,
Branch VI, H-1, H-2, V.K.Complex,
Near Lakshmi Mandhir Chenima,
Tank Road, Jaipur, Rajasthan State. .. Appellant

versus

1. M.Valarmathi
2. Minor P.Sugeneshwar
(Minor is represented by his
mother, 1st respondent)
3. Kannammal
4. Gokul Singh
5. Devarchand .. Respondents

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 30.04.2012, made in M.A.C.T.O.P.No.153 of 2015, on the file of the Motor Accident Claims Tribunal, 3rd Additional District and Sessions Court, Erode at Gobichettypalayam.

For appellant : Mr.N.B.Surekha

For respondents 1 to 3 : Mr.J.Titus

J U D G M E N T

(Judgment of the Court was made by S.MANIKUMAR, J.)

By consent of both the parties, the main appeal is heard. Challenge in this appeal is to the judgment and decree, made in M.A.C.T.O.P.No.153 of 2015, dated 30.04.2012, on the file of the Motor Accident Claims Tribunal, 3rd Additional District and Sessions Court, Erode at Gobichettypalayam.

2. On this day, when the matter came up for hearing, Mr.N.B.Surekha, learned counsel for the appellant-Insurance Company submitted that the respondents/claimants have come

forward for deducting 10% of the quantum of compensation, under challenge, and the appellant-Insurance Company has accepted the proposal.

3. Both the learned counsel appearing for the parties submitted that the award can be reduced, in terms of the above settlement.

4. In the abovesaid circumstances, this Court is not inclined to delve into the merits of the appeal. A sum of Rs.37,15,212/- has been awarded as compensation with interest and costs. Entire award amount, less the statutory deposit, is stated to have been deposited to the credit of M.A.C.T.O.P.No.153 of 2015, on the file of the Motor Accident Claims Tribunal, the 3rd Additional District and Sessions Court, Erode at Gobichettipalayam.

5. Based on the above, the appeal is allowed to an extent, indicated above. Compensation is determined as Rs.33,43,691/-, deduction of 10% from Rs.37,15,212/-, with interest at the rate of 7.5%, from the date of claim, with costs. At the time of filing of the claim petition, the 2nd respondent was aged 5 years. Now, she has attained majority. Therefore, all the respondents/claimants are permitted to withdraw the respective shares, apportioned to them, with proportionate accrued interests, by making necessary applications before the Tribunal. Consequently, the appellant-Insurance Company is permitted to get the balance amount, from the deposit, with proportionate accrued interest. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Motor Accident Claims Tribunal,
3rd Additional District and Sessions Court,
Erode at Gobichettipalayam.

copy to
The Section Officer
VR Section High Court Chennai
+1 cc to M/s.N.B.Surekha Advocate sr 13353

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