



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Eleventh day of January Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.(MD)No.20 of 2017

National Insurance Company Limited,
Branch Office, by its
Senior Branch Manager

... Appellant/2nd Respondent

Vs.

1.Pushpalatha	... Respondent No.1/Petitioner No. 1
2.Minor Karthika	... Respondent No.2/Petitioner No. 2
3.Minor Gayathiri	... Respondent No.3/Petitioner No. 3
4.Minor Manikandan	... Respondent No.4/Petitioner No. 4

(Minor Respondents 2 to 4 are represented through their mother and next friend and natural guardian Pushpalatha, the first respondent herein.)

5.M.Kumarasamy Health and Educational Trust,
Thalavapalayam,
Karur Taluk,
represented by its
Managing Trustee

... Respondent No.5/Respondent No.1

6.Soliyammal

... Respondent No.6/Respondent No.3

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order of the Judgment and decree dated 29.11.2013, made in M.C.O.P.No.436 of 2011, on the file of the Motor Accidents Claims Tribunal - cum - Principal District Judge, Karur.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and upon hearing the arguments of Mr.D.Sivaraman, Advocate for the Appellant this Court, while dismissing the Appeal and in modification of award amount doth decree and order as follows:-

(1) That the respondents 1 to 4 and 6 herein/Claimants be and hereby are entitled to receive a sum of RS.19,50,000/- (Rupees Nineteen Lakhs and fifty Thousand Only) along with interest at the rate of 7.5% per annum from the date of petition filed date or date of payment and proportionate costs as compensation listed of Rs.10,35,000/- as awarded by Tribunal below



(2) That out of the said Rs.19,50,000/- stated supra

(a) the 1st respondent herein/wife of the deceased is entitled to receive a sum of Rs.6,50,000/- as her share in the compensation amount.

(b) That the 2nd respondent herein/minor daughter of the deceased is entitled to receive sum of Rs.4,00,000/- as her share in the compensation amount.

(c) That the 3rd respondent herein/minor daughter of the deceased is entitled to receive a sum of RS.4,00,000/- as here share in the compensation amount.

(d) That the 4th respondent herein/minor son of the deceased is entitled to receive a sum of Rs.4,00,000/- as his share in the compensation amount.

(e) That the 6th respondent herein/mother of the deceased is entitled to receive a sum of Rs.1,00,000/- as here share in the compensation amount.

(3) That the appellant herein/Insurance Company be and hereby is directed to transfer the respective share amount of the first respondent and 6th respondent/wife and mother of the deceased to their respective personal Saving Bank Account Numbers. Through RTGS/NEFT after getting their account details by the officials of the appellant Insurance Company, within a period of six weeks from the date of receipt of a copy of this Judgment after deducting the amount already deposited if any.

(4) That the respective shares of the minor respondents 2 to 4 herein/minor Claimants be and hereby are directed to be kept in an interest bearing fixed deposit in any one of the Nationalised Banks, till they attain majority.

(5) That the first respondent herein/mother of minor Claimants be and hereby is permitted to withdraw the accrued interest therein therein once in every two months for the welfare of the minor respondents 2 to 4/minor Claimants.

(6) That there shall be no order as to costs.

Sd/-

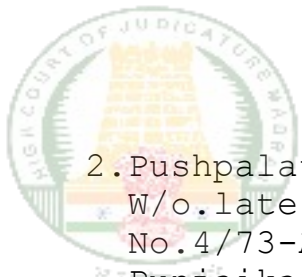
Assistant Registrar(crl.side)

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Sub Assistant Registrar

To
<https://hcservices.ecourts.gov.in/hcservices/>

1. The Principal District Judge,
The Motor Accident Claims Tribunal, Karur.



2.Pushpalatha, (on behalf of 2,3,4 also)
W/o.late K.Rajendran,
No.4/73-A, Arumaikaranpudur,
Punjaikadambankurichi Village,
Karur Taluk and District.

3.Soliyammal, W/o Kaliyappan and mother of
Late K.Rajendran, Arumaikaranpudur,
Manmangalam Village and Post,
Karur Taluk and District.

+1cc to Mr.D.Sivaraman, Advocate Sr.No.2330

Dated : 11.01.2017

DECREE

CMA(MD)No.20 of 2017

Nature of DECREE: Dismissing
the appeal against Judgment and
decree dated 29.11.2013 made in
MCOP.No.436 of 2011 on the file
of the Motor Accident Claims
Tribunal Principal District
Judge, Karur and etc.,

AM/EM MPA/24.01.2017/3P/5C