



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

Wednesday, the Twentieth day of September, Two Thousand and
Seventeen

WEB COPY

PRESENT

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A.(MD)No.1293 of 2016

1. M.Mariyammal
 2. Minor.M.Muthumari
 3. Minor.M.Balakrishnan
(Minor petitioners 2 & 3 are
represented by their mother
and guardian 1st petitioner herein)
 - 4.Nagammal
 - 5.Palani @ Palaniyappan
- ... Appellants/Petitioners

Vs.

- 1.V.Rajappan
 - 2.The Branch Manager,
Reliance General Insurance Co.Ltd.,
Branch Office, No.628, 2nd Floor,
"Balmer Lawrie House",
Anna Salai, Chennai.
 - 3.K.R.Jayakumar
- ... Respondents/Respondents

Prayer in C.M.A.(MD)No.1293 of 2016: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 03.02.2015 made in M.C.O.P.No.27 of 2013 on the file of the Motor Accident Claims Tribunal, (Principal District Judge), Karur.

DECREE: This Civil Miscellaneous Appeal is coming on for hearing on this day and 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.T.Selvakumaran, Advocate for the Appellants and of Mr.R.Karunanidhi, Advocate for the first respondent and of Mr.V.Sakthivel, Advocate for the Second respondent and the third respondent not appeared either in person or by an Advocate, this Court while allowing the appeal, doth order and decree as follows:

1.That, the award dated 03.02.2015 passed in MCOP No.27 of 2013 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Karur, be and hereby is modified;



2.That, the quantum of compensation passed by the Motor Accident Claims (Principal District Judge), Karur, be and hereby is enhanced from Rs.6,36,000/- (Rupees Six Lakhs and Thirty Six Thousand Only) to Rs.11,36,000/- (Rupees Eleven Lakhs and Thirty Six Thousand Only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs;

3.That, the Second respondent herein be and hereby is directed to deposit the entire award amount of Rs.11,36,000/- (Rupees Eleven Lakhs and Thirty Six Thousand Only) with accrued interest and costs, less the amount already deposited, if any within a period four weeks from the date of receipt of a copy of this order;

4.That, on such deposit being made, the major Claimants be and hereby are permitted to withdraw their share as apportioned by the Tribunal with accrued interests and costs without filing any formal permission petition before the Motor Accident Claims Tribunal (Principal District Judge), Karur.

5.That, the Motor Accident Claims Tribunal, (Principal District Judge), Karur, be and hereby is directed to deposit the share of the minor claimants in any one of the Nationalized Bank in a fixed deposit scheme, till they attain majority;

6.That, the first petitioner, who is the mother and guardian of the minor Claimants, be and hereby is permitted to withdraw the accrued interest once in three months directly from the Bank only for the welfare of the minors; and

7.That, there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar.

To

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

Copy to:

The Record Keeper, V.R. Section,

Madurai Bench of Madras High Court, Madurai.

+1CC to Mr. T. Selvakumaran, Advocate, SR.No. 80620

+1CC to Mr. V. Sakthivel, Advocate, SR.No. 80489

ORDER DATE : 20/09/2017

DECREE

C.M.A. (MD) No. 1293 of 2016

Allowing the Appeal preferred against the Judgment and Decree of the Motor Accidents Claims Tribunal (Principal District Judge), Karur, dated 03.02.2015 made in MCOP.No.27 of 2013.