



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Eighteenth day of December
Two Thousand Seventeen

PRESENT

WEB COPY

THE HON`BLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD) No.1337 of 2015

M/S.NATIONAL INSURANCE CO.
LTD., THROUGH ITS BRANCH MANAGER, MIG 315,
80 FEET ROAD, ANNA NAGAR, MADURAI. ... APPELLANT

- Vs. -

1 RAJALAKSHMI, W/O.LATE.(DECEASED)
SELVARAJAN, PERUMALPATTI VILLAGE,
BOTHAGUDI POST, ALANGANALLUR VIA,
MADURAI DISTRICT.

2 MINOR.VIMALRAJ, S/O.LATE.(DECEASED)
U.SELVARAJAN, PERUMALPATTI VILLAGE,
BOTHAGUDI POST, ALANGANALLUR VIA,
MADURAI DISTRICT.

3 MINOR.TIVYARANI, D/O.LATE.(DECEASED)
U.SELVARAJAN, PERUMALPATTI VILL,
BOTHAGUDI PO, ALANGANALLUR VIA,
MADURAI DT.
(R2 & 3 ARE REP THRO THEIR M & GUARDIAN THE R1)

4 SILAMBAYEE,
W/O.LATE ULAGESAN & M/O.LATE.(DECEASED)
U.SELVARAJAN, PERUMALPATTI VILLAGE,
BOTHAGUDI POST, ALANGANALLUR VIA,
MADURAI DISTRICT.

5 MEENA
D/O.LATE.ULAGESAN & S/O.LATE.(DECEASED)
U.SELVARAJAN, PERUMALPATTI VILLAGE,
BOTHAGUDI POST, ALANGANALLUR VIA,
MADURAI DISTRICT. ...1ST TO FIFTH RESPONDENTS

6 K.SUDALAIMUTHU, S/O.KUMARASAMY,
NO.1, SEENIAPPAN THIRUTHU WEST ST.,
THATCHANALLUR, TIRUNELVELI 627 358. ...6TH RESPONDENT

7 M/S.UNITED INDIA INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER, 7.A,
WEST VELL ST. MADURAI. ...7TH RESPONDENT



8 K.SUDHA, W/O.SIKKANDAR,
NO.1, MALLIGAI MALAR ST., BHARATHY NAGAR,
KRISHNAPURAM COLONY, MADURAI.

...8TH RESPONDENT

This Civil Miscellaneous Appeal filed Under Section 173 of Motor Vehicle Act, 1988 against the award passed by the Motor Accident Claims Tribunal, IV Additional District Judge, Madurai made in MCOP NO.61 of 2008 dated 25.08.2012.

ORDER : This Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the award Tribunal below and the material papers of the Appeal and upon hearing the arguments of Mr.J.S.Murali, Advocate for the Appellant, Mr.T.A.Ebenezer, Advocate for first to fourth respondents, and Mr.K.A.Thirumalaiappan, Advocate for seventh respondent and fifth and sixth respondents not appeared either in person or through an Advocate, this court, doth order and decree as follows:

1. that the award of the Motor Accidents Claims Tribunal, IV Additional District Judge, Madurai dated 25.08.2012 made in M.C.O.P. No.61 of 2008 be and hereby is confirmed and the Civil Miscellaneous Appeal dismissed;

2. The Appellant/Insurance Company and the United Insurance Company ltd., are directed to deposit the entire compensation amount as per the common award dated 25.08.2012 passed by the Tribunal, with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of Judgment, less the amount already deposited, if any.

3. On such deposit being made the Major Claimants/first and fourth respondents are permitted to withdraw her respective share as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper petition before the Tribunal.

4. That the share of the minor claimant/2nd and 3rd respondents shall be deposited in any one of the Nationalized Bank in an interest bearing account and the First Respondent/Natural guardian of the minor claimant is permitted to withdraw the accrued interest once in three months directly from the Bank, till she attain majority.

5. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)



To

The IV Additional District Judge,
The Motor Accident Claims Tribunal, Tirunelveli.

Copy to

The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC To MR.J.S.MURALI, Advocate SR. NO.93470
+1 CC To MR.T.A.EBENUZER, Advocate SR. NO.93901

Date :18/12/2017

DECREE

CMA(MD) No.1337 of 2015

Dismissing this Civil
Miscellaneous Appeal Preferred against
the award passed by IV Additional
District Judge, Madurai made in MCOP
No.61 of 2008 etc., as stated within.

TR/skn/SAR-IV(26.09.2018)3P 6C