



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

Tuesday, the Twenty Eighth day of February Two Thousand Seventeen

PRESENT

WEB COPY

The Hon`ble Mr.Justice N.KIRUBAKARAN

CMA(MD) No.526 of 2016

The Branch Manager,
National Insurance Company Limited
175A, Grant, Tuticorin.

... Appellant / 2nd Respondent

-vs-

1.Sivakamy
2.Minor.Vigneshwaran

... Respondent's 1 & 2 /
Petitioners

(R2 Minor Rep by his
mother and natural guardian R1)

3.M/s.Beeyam Logistics - Firm
4/63, C.G.F.Colony, 4th Street
Tuticorin.

... 3rd Respondent / 1st Respondent

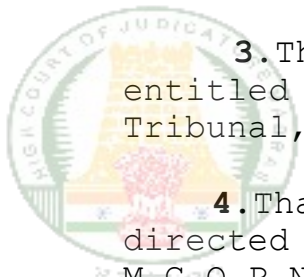
(R3-Ex parte in Tribunal
Notice dispensed with)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree passed in M.C.O.P.No.93 of 2014, dated 10.04.2015, on the file of the Motor Accident Claims Tribunal, Principal District Judge, Ramanathapuram.

DECREE: This Civil Miscellaneous appeal coming on for hearing on this day; upon perusing the grounds of Appeal, the order of the Tribunal Material papers and upon hearing the arguments of Mr.J.S.Murali learned Advocate for the Appellant and of Mr.J.Barathan for Mr.T.R.Jeyapalam for the 1st&2nd respondents, and for 3rd respondent notice having been dispensed with, while partly allowing the Civil Miscellaneous Appeal, this Court doth order and decree as follows:

1.That the judgment and decree passed in MCOP.No.93 of 2014 dated 10.04.2015 on the file of the Motor Accidents Claims Tribunal, Principal District Court Ramanathapuram, be and hereby is modified.

2.That the compensation awarded by the Tribunal below be and hereby is reduced from R.22,43,100/- (Rupees Twenty Two Lakhs Forty Three Thousand and one hundred Only), to 20,00,000/- (Rupees Twenty Lakhs Only) payable along with interest at the rate of 7.5% per annum from the date of petition till date of realization, and proportionate costs.



3. That the respondents 1&2 /Claimants be and hereby are entitled to the shares as per the apportionment made by the Tribunal, along with accrued interest and costs;

4. That the appellant - Insurance Company be and hereby is directed to deposit the entire award amount to the credit of M.C.O.P.No.93 of 2014, on the file of the Motor Accident Claims Tribunal - cum - Principal District Court, Ramanathapuram, along with accrued interest and costs, within a period of four weeks from the date of receipt of a copy of this judgment;

5. That on such deposit, the Tribunal be and hereby is directed to transfer the share amount of the first Respondent/ first claimant directly to her Personal Savings Bank Account through RTGS/NEFT system, after getting her Account Details within a period of **one week thereafter**;

6. That the share of the minor second respondent/Second Claimant is concerned, the Tribunal shall deposit the same in an interest bearing Fixed Deposit in any one of the nationalised banks under the renewable scheme, till he attains majority, and the first respondent / first claimant is permitted to withdraw the accrued interest once in two months for the welfare of the minor second claimant.

7. And that there be no order as to costs. In this civil miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

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

Copy to : The Section Officer,

VR Section, Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.J.S.MURALI Advocate in SR. No.11515

+1cc to M/s. T.R.JEYAPALAM Advocate in SR. No.11842

KRK

JS/CM/MSA/4P-5C/22.03.2017

ORDER DATED:28.02.2017

DECREE:

CMA(MD)526 OF 2016

Partly Allowing this Civil Miscellaneous appeal against the judgment and decree passed in M.C.O.P.No.93 of 2014 dated 10.04.2015 on the file of the Motor Accidents Claims Tribunal Principal District Judge, Ramanathapuram and etc. as stated within.