

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Tuesday, the Eighth day of August Two thousand and Seventeen****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****C.M.A(MD)No.1195 of 2016****WEB COPY**

1.Ambika
2.Minor.Vijayadharani
3.Minor.V.Hencika
4.Sirumbayee ...Appellant
Venkatachalam(died)

Minor petitioners are rep. by
Natural Guardian and mother
the first petitioner herein ... Appellants / Petitioners

Vs.

1.R.Saradhamani
2.The Manager,
United India Insurance Co. Ltd.,
12-A, Kovai Road,
PLA Building,
2nd floor, Karur-2. ...Respondents / Respondents

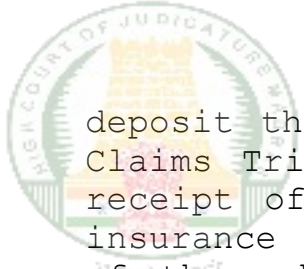
Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in M.C.O.P.No.281 of 2011 dated 28.04.2014 on the file of the Motor Accident Claims Tribunal/(Principal District Judge), Karur.

ORDER: This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellant and of Mr.N.Sivakumar, Advocate for the second Respondent and the first Respondent has not appeared either in person or by an advocate this Court while allowing the appeal, doth order and decree as follows:-

(i)That the order passed by the Principal District Judge, Karur, Motor Accident claims Tribunal, Karur, dated 28.04.2014 made in MCOP 281/11 be and hereby is enhanced from Rs.6,46,000/- [Rupees Six lakhs and forty Thousand only] to a sum of Rs.9,90,000/-[Rupees Nine lakhs and Ninety 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.

(ii)That the second respondent herein/Insurance company be and hereby is directed to pay the amount awarded by this Court at the first instance and then, recover the same from the owner of the vehicle/first respondent.

(iii)That the Insurance company be and hereby is directed to



deposit the award amount to the credit of M.C.O.P on the file of Claims Tribunal within a period of eight weeks from the date of receipt of a copy of this Judgment and in the later stage, the insurance company is entitled to recover the same from the owner of the vehicle, by way of Execution petition, without actually filing a suit as held by Hon'ble Apex Court in the Judgment reported in 2004(2)CTC 464(Oriental Insurance company Limited vs. Shri Nanjappan and others).

That on such deposit being made, the major claimants be and hereby are permitted to withdraw their respective shares as apportioned by the Tribunal, with proportionate interests and costs.

(v) That the Tribunal be and hereby is directed to deposit the share of the minor claimants in any one of the Nationalised Banks, in a fixed Deposit scheme till they attain majority.

(vi) That 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.

That there be no costs in civil miscellaneous Appeal.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To,

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

Copy to:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.N.SIVAKUMAR,Advocate,SR.71959

+1cc to Mr.T.SELVAKUMARAN,Advocate,SR.71501

Dated: 08.08.2017

DECREE

C.M.A(MD)No.1195 of 2016

Allowing the Appeal preferred against the Judgment and decree of the Motor Accidents claims Tribunal, Principle District Judge, Karur dated 28.04.2014 made in M.C.O.P.281 of 2011 and etc as stated within.