



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Eighteenth day of September Two Thousand and Seventeen

PRESENT

WEB COPY

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.M.A(MD)No. 1108 of 2013

M/s.National Insurance Company Limited,  
Thoothukudi,  
Represented by its,  
Divisional Manager,  
175-A, Great Cotton Road,  
Thoothukudi - 628 002. ...Appellant / 2<sup>nd</sup> Respondent

Vs.

1.T.Selvi ...1<sup>st</sup> Respondent /1<sup>st</sup> Claimant  
2.T.Arun ...2<sup>nd</sup> Respondent /2<sup>nd</sup> Claimant  
3.Minor. Aravind  
(Minor is represented through his mother and natural guardian  
1<sup>st</sup> respondent herein) ... 3<sup>rd</sup> Respondent /3<sup>rd</sup> Claimant  
4.K.Mupputhai ...4<sup>th</sup> Respondent/1<sup>st</sup> Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and award made in M.C.O.P.No. 2721 of 2004 dated 29.09.2011 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Madurai.

**DECREE:** This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal below and material records relating to the case and upon hearing the arguments of Mr.D.Sivaraman, Advocate for the Appellant and of Mr.R.Venkatesan, Advocate for the Respondents 1 to 3 and Respondent 4 not appearing either in person or by an Advocate this Court while dismissing the Civil Miscellaneous Appeal doth order and decree as follows:

(i)that the award passed in M.C.O.P.No.2721 of 2004, dated 29.09.2011 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Madurai be and hereby is confirmed;

(iii)that the Appellant herein/Insurance company is directed to deposit the entire award amount with accrued interests and costs, within a period of **four weeks** from the date of receipt of a copy of the Judgment, if not already deposited;



(iii)that on such deposit being made, Respondents 1 and 2 herein/major claimants be and hereby are permitted to withdraw their respective shares with proportionate interests and costs;

(iv)that the Tribunal be and hereby is directed to deposit the compensation amount awarded to the Respondent 3 herein/Minor claimant in any one of the Nationalized banks, in a Fixed Deposit Scheme, till the minor attains majority;

(v)that the first Respondent herein/mother of the minor claimant be and hereby is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of the minor; and

(vi)that there be no costs in this Civil Miscellaneous Appeal.  
Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To,  
The Chief Judicial Magistrate,  
Motor Accidents Claims Tribunal,  
Madurai.

**Copy to:**

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

+1CC to Mr.D.Sivaraman, Advocate, SR.No. 79371  
+1CC to Mr.R.Venkatesan, Advocate, SR.No. 79377

DATED : 18.09.2017

**DECREE**

CMA(MD)No.1108 of 2013

**Nature of DECREE:** Dismissing the appeal against the award made in M.C.O.P.No.2721 of 2004, dated 29.09.2011 by the Motor Accident Claims Tribunal/ Chief Judicial Magistrate, Madurai as stated within.