



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Tenth day of November Two Thousand and Seventeen

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

WEB COPY

CMA(MD) No.1136 of 2011

BRANCH MANAGER
THE NEW INDIA ASSURANCE CO.LTD.,
TENKASI ROAD,
RAJAPALAYAM.

...Appellant / 2nd Respondent

Vs.

1.MINOR PETCHIAMMAL
D/O.MURUGESAN,
MINOR RESPONDENT REP.BY HER FATHER AND
GUARDIAN MURUGESAN)

....1st Respondent /Petitioner

2. P.S.PERUMAL

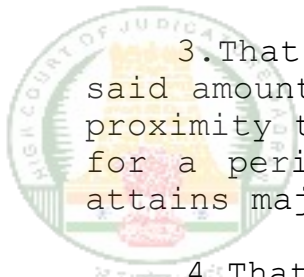
... 2nd Respondent /1st Respondent

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, preferred against the award of the Motor Accident Claims Tribunal, (Sub Court), Srivilliputhur, dated 11.04.2011 made in MCOP No.275 of 2007.

DECREE: This Civil Miscellaneous Appeal is coming on for hearing on this day, upon perusing the grounds of Appeal, award of the Tribunal below and the material papers of the Appeal, and upon hearing the arguments of Mr.A.K.Baskarapandian, Advocate for the Appellant and the Respondents not appeared either in person or through an Advocate and this Court having observed that the Appellant / Insurance Company is at liberty to recover the compensation amount from the owner of the vehicle as per the decision of the Hon'ble Supreme Court in the Case of Nanjappan Vs Oriental Insurance Company Limited and thus reported in 2003 (1) LW 77, and this Court while allowing the Appeal in part, doth order and decree as follows;

1.That, the award of the Motor Accidents Claims Tribunal, Subordinate Court, Srivilliputhur, dated 11.04.2011 made in MCOP 275 of 2007 be and confirmed;

2.That, the Appellant herein / Insurance Company do deposit the entire award amount of Rs.71,968/- with accrued interest and costs, within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited;



3. That, on such deposit being made, the Tribunal do deposit the said amount in a Fixed Deposit, in any one of the nationalized bank proximity to the place of minor, in the name of the minor, initially for a period of three years renewable thereafter, till the minor attains majority;

4. That, the father of the minor shall withdraw the accrued interest, once in three months, directly from the bank, only for the welfare of the minor;

5. That, on deposit of the compensation amount by the Appellant/Insurance Company, the Appellant herein /Insurance Company shall recover the same from the owner of the vehicle; and

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

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Motor Accident Claims Tribunal,
Srivilliputhur.

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

MM

DS/SKN-RSK/SAR-4 :11.06.2018: 4P/4C

Dated: 10.11.2017

DECREE

C.M.A(MD)No.1136 of 2011

Allowing the Appeal in part preferred against the award passed by the Subordinate Judge, MACT, Srivilliputhur, dated 11.04.2011 made in MCOP NO.275/2007 and etc., as stated within.