

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

FRIDAY, THE FIRST DAY OF SEPTEMBER TWO THOUSAND AND SEVENTEEN

PRESENT

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**THE HONOURABLE MRS.JUSTICE J.NISHA BANU****C.M.A(MD)No. 1540 of 2011**

The Oriental Insurance Company Ltd.,  
through by its, Branch Manager,  
Door No.119, Sekkalai Road,  
Sathiyamoorthy Illam,  
Karaikudi Town,  
Sivagangai District.

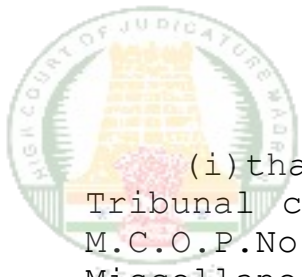
... Appellant / 2<sup>nd</sup> Respondent

Vs.

1. V.Selvi  
Rep. through her Power Agent,  
Ramachandran.
2. Minor. Rajaram
3. Minor. Rohini  
(Minors 2 & 3 Respondents are represented  
by their Grandfather, Guardian &  
next friend, 4<sup>th</sup> Respondent/Ramachandran)
4. Ramachandran
5. Umaiyal ...1<sup>st</sup> to 5<sup>th</sup> Respondents/Petitioners 1-5
- 6.E.Malairaj ... 6<sup>th</sup> Respondent/1<sup>st</sup> Respondent  
(6<sup>th</sup> respondent remained exparte  
before the lower Court)

**PRAYER:-** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 07.01.2011 passed in M.C.O.P.No.270 of 2008 on the file of the Motor Accident Claims Tribunal cum District Judge, Sivagangai.

**DECREE:** 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.K.Bhaskaran, Advocate for the Appellant and the Respondents have been not appearing either in person or by an Advocate and this Court, while dismissing the appeal, doth order and decree as follows:



(i)that the Judgment and Decree of the Motor Accident Claims Tribunal cum District Judge, Sivagangai, dated 07.01.2011 made in M.C.O.P.No.270 of 2008 be and hereby are confirmed and the Civil Miscellaneous Appeal is dismissed;

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

(iii)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;

(iv)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 and the guardian of the minor claimants is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of minors; and

(v)that there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Judge,  
Motor Accidents Claims Tribunal,  
Sivagangai.

**Copy to:**

1. V.SELVI, W/O VENKATESWARAN,  
NO.119, JEEVA NAGAR, AATHANUR ROAD,  
MANAMADURAI TOWN, SIVAGANGAI.

2. MINOR.RAJARAM,  
NO.119,JEEVA NAGAR, AATHANUR ROAD,  
MANAMADURAI TOWN, SIVAGANGAI.

3. MINOR.ROHINI,  
NO.119,JEEVA NAGAR, AATHANUR ROAD,  
MANAMADURAI TOWN, SIVAGANGAI.



4. RAMACHANDRAN, S/O. KAKKAN,  
NO.119, JEEVA NAGAR,  
AATHANUR ROAD, MANAMADURAI TOWN,  
SIVAGANGAI.

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5. UMAIYAL, W/O RAMACHANDRAN,  
NO.119, JEEVA NAGAR,  
AATHANUR ROAD, MANAMADURAI TOWN,  
SIVAGANGAI.

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

+1cc to M/S. K.BHASKARAN, Advocate, SR.No.75878.

ORDER DATED : 01.09.2017

**DECREE**

C.M.A(MD)No.1540 of 2011

**Nature of Decree:** Dismissing the appeal preferred against the Judgment and Decree of the Motor Accident Claims Tribunal cum District Judge, Sivagangai, dated 07.01.2011 made in MCOP No.270 of 2008.

pm

SDS/SKN:RSK/SAR 1/25.09.2017/3P/9C