

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA No.983 of 2018 and
CMP No.7961 of 2018

M/s.Cholamandalam MS General Insurance
Company Limited,
No.1, Village Street,
Wajeeva Corporate Center,
3rd Floor, Chennai - 600 034.Appellant/2nd Respondent

-vs-

1.Bhagyam
2.Chandran
3.Minor Pavithra
4.Minor Sumitra
5.Minor Chitra
(Minors 3 to 5 represented by mother Bhagyam)
... R1 to 5/Petitioner
6.Arul Appalam Depot
No.3/4E, E.V.R.Periyar Street,
Gandhi Nagar, Palavakkam,
Chennai - 600 041.6th Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor
Vehicles Act, 1988 against the judgment and decree in MCOP
No.4368 of 2012 dated 12.10.2017 on the file of the Motor
Accidents Claims Tribunal, Special Sub Court No.I, Small Causes
Court, Chennai.

For Appellant : Mr.N.Vijayaraghavan
For Respondents: Ms.Ramya Rao for
Mr.A.N.Viswanatha Rao for R1 to R5
Mr.S.Thomas for R6

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN,J.]

The challenge in this appeal is to the Award of the
Tribunal granting a sum of Rs.11,25,000/- as compensation for
the death of minor child, aged about 1 ½ years. The negligence
is not in dispute.

2. We have heard the learned counsel for both the parties.

3. After arguments, it is agreed that the Award of the Tribunal may be modified to a sum of Rs.9,00,000/- with proportionate interest from the date of petition till the date of deposit.

4. In view of the said agreement, the Award of the Tribunal will stand modified and the claimants will be entitled to a sum of Rs.9,00,000/- with proportionate interest and costs as indicated above.

5. The compensation is apportioned between the parents of the deceased minor child as follows:-

The first respondent - mother of the deceased will take Rs.6,00,000/- and the second respondent - father of the deceased will take the remaining Rs.3,00,000/- with proportionate interest and costs. The respondents 3 to 5 who are sisters are not entitled to any share in the compensation.

6. The Civil Miscellaneous Appeal is disposed of as indicated above. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

svki

To

The Motor Accidents Claims Tribunal,
Special Sub Court No.I,
Small Causes Court, Chennai.

+2cc to Mr.A.N.Viswanatha Rao, Advocate, S.R.No. 55727
+1cc to Mr.N.Vijayaraghavan, Advocate, S.R.No. 55771

CMA No.983 of 2018

NRI (CO)
GN (18/09/2018)