



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the First day of August, Two Thousand and Eighteen
present

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.832 of 2015

1. M.Suseela
2. Minor.V.Anugraha
3. Minor V.Viveka
4. Minor V.Monika

(Appellants 2 to 4 minors are represented
by their guardian/mother 1st appellant) ... Appellants/Claimants

Vs.

1. A.Monikandan
2. P.Venkataraman
3. The Branch Manager,
United India Insurance Company Ltd.,
Nagercoil,
Kanyakumari District.
4. T.Jegathirabalan

... Respondents/Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988 to enhance the award amount in MCOP No.50 of 2013 dated 22.10.2013 on the file of the MACT cum Chief Judicial Magistrate, Nagercoil.

ORDER: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the case, and upon hearing the arguments of Mr.G.Ramanathan, Advocate for the Appellant, Mr.M.P.Senthil, Advocate for the 1st respondent and Mr.A.Shajahan, Advocate for the 3rd respondent and the second and fourth Respondents have not appeared either in person or through an advocate, and having stood over for consideration till this day, and this Court while allowing the Appeal doth order and decree as follows:

(1)that the appellants/claimants are entitled to a sum of Rs.11,00,000/- (Rupees Eleven Lakhs only) as total compensation, instead of Rs.7,92,000/- (Rupees Seven Lakhs, Ninety Two Thousand only) awarded by the Tribunal.

(2)that the Third respondent/Insurance Company do deposit the entire compensation amount, as stated in clause(i) supra with



interest at the rate of 7.5% per annum and costs from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any.

(3) That on such deposit, the first claimant is entitled to withdraw her, share as apportioned by the Tribunal, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal.

(4) That the shares of minor claimants 2 to 4/ appellants 2 to 4 be deposited in any of one of the nationalized bank and the first claimant, namely, the mother of the minor claimants, shall withdraw the interest once in three months directly from the Bank, till they attain majority.

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Chief Judicial Magistrate,
Motor Accident Claims Tribunal, Nagercoil.

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

+1cc to Mr.A.SHAJAHAN, Advocate, SR.No.76664

+1cc to Mr.G.Ramanathan, Advocate, SR.No. 76422

DATED:01.08.2018

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DECREE

NATURE OF THE DECREE:Allowing the appeal preferred against the judgment and decree dated 22/10/13 made in MCOP No.50 of 2013 passed by the Motor Accidents Claims Tribunal(Chief Judicial Magistrate),Nagercoil.