



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD) No.946 of 2015

The New India Assurance Company Limited
through its Branch Manager,
having Office at S.N. High Road,
Opp. To Central Theatre,
Tirunelveli-627 001.
Respondent

: Appellant/2nd

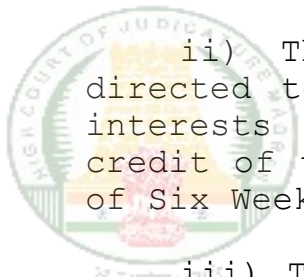
Vs.

- 1.Minor Daphne C.Christina : R1/Petitioner
(Minor is represented through her paternal grandmother
Guardian and Next friend Mrs.Jeyaseeli)
2.A.Sekar
3.D.Chiristopher Gnanadurai : R2 and R3/R1 and R3

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree of the I Additional District Judge, Motor Accident Claims Tribunal (I Additional District Court), Tirunelveli dated 10.03.2014 made in M.C.O.P.No.153 of 2013.

DECREE : This Appeal came up for hearing on Friday, the Sixteenth day of February, Two thousand and Eighteen, upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers available in this case, and upon hearing the arguments of Mr.R.Manishankar for M/s.V.Pushpa, Advocate for the Appellant, and of Mr.S.Saji Bino, Advocate for the first Respondent (Respondents 2 and 3 not appearing either in person or by Advocate), and having stood over the case for consideration till this day, while disposing of the Appeal, the Court doth order and decree as follows:-

i) That the compensation amount of Rs.73,23,160/- (Rupees Seventy Three Lakhs Twenty Three Thousand one Hundred and Sixty only) granted under the Judgment and Decree dated 10.3.2014 in M.C.O.P.No.153/2013 on the file of the Motor Accidents Claims Tribunal/I Additional District Court, Tirunelveli, be and hereby is modified to a sum of Rs.88,77,800/- (Rupees Eighty Eight Lakhs Seventy Seven Thousand and Eight Hundred Only)together with interest at the rate of 7.5% per annum;



ii) That the Appellant/Insurance Company be and hereby is directed to deposit the modified compensation amount with accrued interests and costs, less the amount already deposited, to the credit of the claim petition is M.C.O.P.No.153/2013 within a period of Six Weeks from the date of receipt of a copy of this Judgment ;

iii) That on such deposit being made, the Tribunal below shall deposit the same in a nationalised bank till the minor claimant attains majority and the guardian of the minor claimant is permitted to withdraw the interest accrued once in three months for maintaining the minor child.

iv) And that there be no costs in this Civil Miscellaneous Appeal.

sd/-

24/04/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE 1ST ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

Copy To : The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.V.Pushpa, Advocate Sr.No.63347
+1cc to Mr.S.Saji Bino, Advocate Sr.No.63164

GJM/RSK/SKN/SAR-4-01.06.18-2p-6c

Dated : 24.04.2018

DECREE

IN

CMA(MD) No.946 of 2015 (1/2)

Nature of the Decree :
Disposing of the Appeal preferred against the Judgment and Decree dated 10.03.2014 in M.C.O.P.No.153/2013 on the file of the Motor Accident Claims Tribunal/I Additional District Court, Tirunelveli and giving directions etc., as stated therein.