



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Monday, the First day of October, Two Thousand and Eighteen

PRESENT

WEB COPY

The Hon'ble Ms.Justice V.M.VELUMANI

CMA(MD) No.782 of 2018

1.Murugeshwari

2.Minor Siva Aravindh

3.Paulmani

... Appellants / Petitioners

Vs.

1.Gnanamuthu

2.The New India Assurance Company Limited,
through its Divisional Manager,
2nd Floor, Jeevan Deep Building,
No.8, Parliament Street,
New Delhi-110 001.

... Respondents / Respondents

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.934 of 2011 on the file of the Motor Accident Claims Tribunal, (Fast Track Court No.2), Tirunelveli, dated 05.03.2012 and thus render justice.

DECREE:- This Appeal is coming on for hearing on this day and upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.T.SELVAKUMARAN, Advocate for the Appellant and of MR.J.S.MURALI, Advocate for the second respondent, and the first respondent neither appeared in person nor represented by any Advocate and while Allowing the Civil Miscellaneous Appeal in part, this Court, doth order and decree as follows:-

(1) That the award dated, 05.03.2012 in MCOP.NO.934 of 2011 on the file of the Motor Accident Claims Tribunal/(Fast Track Court No.2), Tirunelveli be and hereby is modified, by enhancing the award amount from the sum of Rs.6,95,000/-(Rupees Six lakhs ninety five thousand only) to a sum of Rs.9,10,000/-(Rupees nine lakhs ten thousand only);



(2) that the rate of interest awarded by the Tribunal be and hereby is reduced from 8% per annum to 7.5% per annum from the date of filing of claim petition, till the date of deposit;

(3) that the respondents be and hereby are directed to deposit the enhanced compensation of Rs.9,10,000/- (Rupees Nine Lakhs and Ten Thousand Only) jointly or severally with interest at the rate of 7.5% per annum from the date of claim petition till deposit and costs to the credit of M.C.O.P.No.934 of 2011, on the file of the Motor Accidents Claims Tribunal (Fast Track Court No.2), Tirunelveli, within a period of eight weeks from the date of receipt of copy of this judgment, less the amount, if any, already deposited;

(4) that On such deposit being made, the first appellant is entitled for a sum of Rs.5,50,000/- (Rupees five lakhs fifty thousand only), the second appellant is entitled for a sum of Rs.2,50,000/- (Rupees two lakhs fifty thousand only) and the third appellant is entitled for a sum of Rs.1,10,000/- (Rupees one lakh ten thousand only) and that the first and third appellants shall withdraw their respective shares, with proportionate interest & costs by filing necessary application before the Tribunal;

(5) that the Tribunal shall deposit the amount awarded to the second appellant alongwith proportionate interest and costs, in any one of the Nationalized Bank in a Fixed Deposit, initially for a period of three years and renewable thereafter, till the minor attains majority;

(6) that the mother of the second appellant be and hereby is permitted to withdraw the accrued interest once in three months directly from the Bank;

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

Sd/-

Assistant Registrar (Records)

/True Copy/



TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
FAST TRACK COURT No.II,
TIRUNELVELI

WEB COPY

Copy to:

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

+1 CC to M/s.T.SELVAKUMARAN, Advocate
(SR-88232 dated 03/10/2018)

+1 CC to M/s.J.S.MURALI, Advocate
(SR-88159 dated 03/10/2018)

ORDER DATED : 01/10/2018

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DECREE

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CMA (MD) . No.782 of 2018

Nature of Decree:-

Partly Allowing this
Civil Miscellaneous Appeal
etc., as stated within.

ES/04.03.2019/4P/6C