



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Wednesday, the Eleventh day of July Two Thousand and Eighteen  
PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**

CMA(MD) No.1218 of 2013

1.Suganthi

2.Angelin Chitra

3.Minor.Manju Priya

(Minor petitioner rep. through her mother and  
next guardian 1<sup>st</sup> petitioner herein)

... Appellants/ Petitioners

Vs.

1.Rallinson Packia Raj

2.Royal Sundaram Alliance Insurance Co. Ltd.,

through its Branch Manager,

TVS & Sons Limited,

No.176, D-E, Trivandrum Road,

Tirunelveli - 627 003.

... Respondents / Respondents

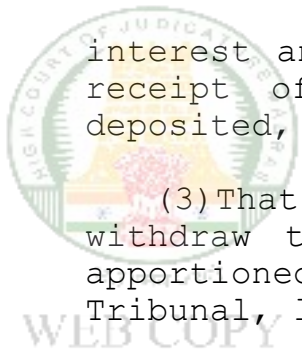
This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act,1988 against the Judgment and Decree of the Additional District Judge, The Motor Accident Claims Tribunal(Fast Track Court No.2),Tirunelveli dated 11.04.2011 passed in MCOP.No.1448 of 2010.

**DECREE:**

This Civil Miscellaneous Appeal is coming on for hearing on this day; upon perusing the grounds of Appeal, the order of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellants and Mr.S.Srinivasa Raghavan, Advocate for the Second Respondent(the first respondent being set exparte), this Court while allowing the Appeal in part, doth order and decree as follows:

(1)That the Award passed by the Motor Accidents Claims Tribunal/Fast Track Court No.2, Tirunelveli dated 11.04.2011 passed in MCOP.No.1448 Of 2010 be and hereby is modified by enhancing the compensation from Rs.19,44,100/- (Rupees Ninteen Lakhs Forty Four Thousand and one Hundred only) to a sum of Rs.23,39,700/-(Rupees Twenty Three Lakhs Thirty Nine Thousand and Seven Hundred Only) and the Second Respondent/Insurance company to pay 75% of the total Award amount, with interest at the rate of 7.5% per annum from the date of petition till the date of deposit, excluding the default period;

(2) That the Second Respondent/Insurance company do deposit the compensation, amount of Rs.17,54,775/-(Rupees Seventeen Lakhs Fifty Four Thousand Seven Hundred and Seventy Five only) with accrued



interest and costs 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 being made, the Appellants 1 and 2 shall withdraw their shares along with accrued interest and costs, as apportioned by the Tribunal, by filing proper application before the Tribunal, less the amount already withdrawn by them, if any;

(4) That the Tribunal do deposit the share of the minor Appellant in a nationalized bank until she attains majority and the mother of the minor shall withdraw the interest amount once in three months;

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

Sd/-  
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-IV)

To  
The Additional District Judge,  
Fast Track Court No.2,  
(The Motor Accidents Claims Tribunal),  
Tirunelveli.

Copy to:  
The Record Keeper,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.(2Copies)

+1CC TO MR.T.SELVAKUMARAN, ADVOCATE IN SR.NO.72446.  
+1CC TO MR.S.SRINIVASA RAGHAVAN, ADVOCATE IN SR.NO.72627.

RM  
DS SKN SAR-4:19.09.2018: 2P/6C

Dated :11/07/2018

**DECREE**

CMA(MD) No.1218 of 2013  
Nature of the Decree:

Allowing the Appeal in part preferred against the Judgment and Decree dated 11.04.2011 passed in MCOP.No.1448 of 2010 on the file of the MACT/FTC No.2 Tirunelveli and giving directions etc., as stated therein.