

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.07.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2544 of 2004
and C.M.P.No.15113 of 2004

The Branch Manager,
The Oriental Insurance Co.Ltd.
Hosur.

... Appellant /2nd Respondent

Vs

1.R.Raji (died) ...Petitioner/R1
2.P.Ashokan
3.Sumathi W/o.Raji
4.Jeevarathianam
5.Arul

(R3 to R5 brought on record as the legal heirs of the deceased R1, viz.R.Raji by order of this Court dated 04.06.2019 in CMP Nos.2004, 2005 and 2006 of 2016 in CMA No.2544 of 2004). ... Respondents

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 11.09.2003 made in OP No.347 of 2002 on the file of the Motor Accidents Claims Tribunal, Krishnagiri.

For Appellant : Mr.S.Arunkumar

For Respondents : Mr.M.M.Selvam for R2 and R3

JUDGMENT

This appeal is preferred by the Insurance Company against the award of a sum of Rs.2,62,500/- with interest at the rate of 9% per annum from the date of petition, towards compensation to the first respondent, due to the injuries sustained by her in a motor vehicle accident.

2.This appeal was admitted by this Court on 20.09.2004 and an order of interim stay was granted, subject to the condition to deposit the entire award amount. Thereafter, upon the submission made on behalf of the Insurance Company that the said order has been complied with, a sum of Rs.1,00,000/- was

permitted to be withdrawn by the first respondent, out of the deposited amount, by order dated 23.11.2004.

3.Today, when this appeal has been taken up, the learned counsel for the appellant Insurance Company has submitted that subsequent to the Tribunal passing the impugned judgment, the first respondent met with another accident and she died. He also submitted that a separate claim petition has been filed for the death of the first respondent by her legal heirs, and compensation has also been awarded to them. Stating so, he pleaded that an order may be passed in the present case, permitting the Insurance Company to get disbursal of the entire award amount passed in MCOP No.347 of 2002 on the file of the Motor Accidents Claims Tribunal, Krishnagiri.

4.The learned counsel for the claimants has submitted that at least 50% of the award amount may be directed to be given to the claimants / legal heirs of the deceased out of the deposited amount, since already a sum of Rs.1,00,000/- has been withdrawn by the first respondent / deceased.

5.Taking note of the submissions made on either side, this Court deems it fit to permit the legal heirs of the deceased to withdraw a further sum of Rs.30,000/- apart from the sum of Rs.1,00,000/- already withdrawn by the deceased. Accordingly, the respondents 3 to 5 / legal heirs of the deceased-first respondent, are permitted to withdraw a further sum of Rs.30,000/- (Rupees Thirty Thousand Only) with proportionate accrued interest, from the deposit already made by the Insurance Company, on making proper application before the Tribunal. The appellant Insurance Company is permitted to withdraw the balance amount with interest, lying in the deposit.

6.The Civil Miscellaneous Appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KM

To

1.The Motor Accidents Claims Tribunal
Krishnagiri.

2.The Section Officer,
VR Section, Madras High Court.

+1 cc to M/s.M.Selvam Advocate sr57699
+1 cc to M/s.S.Arunkumar Advocate sr57704

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