



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

Tuesday, the Twelfth day of March Two Thousand and Nineteen
PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

CMA(MD) . No.1241 of 2014

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THE ORIENTAL INSURANCE CO.LTD.,
THROUGH ITS BRANCH MANAGER,
OPP. THE BUS STAND,
THENI TOWN, THENI TALUK, THENI DISTRICT.

... Appellant/Respondent No.2

Vs

1 KARUPPASAMY ... Respondent No1/Petitioer NO.1

2 MINOR.NAVEENRAJ ... Responent No.2/Petitioner NO.2
(REP. THRO HIS FATHER NEXT FRIEND
AND NATURAL GUARDIAN 1st PETITIONER)

3 NARAYANASAMY ... Respondent NO.3/Respondent No.1

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, to set aside the order of the Tribunal of MACT cum Principal District Judge, Theni, made in M.C.O.P. NO.22 of 2011 dated 20.12.2012 and allow the appeal with costs.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR C.JAWHAR RAVINDRAN, Advocate for the Appellant and of MR.N.MARIAPPAN, Advocate for the respondent Nos.1 and 2, and not appearing either in person or through his counsel for the Respondent No.3. As directed by the Honourable High Court, the counsel for the Respondent Nos.1 and 2 has filed a memo dated 22.7.2019, has paid the additional court fee for a sum of Rs.9147/- (Nine thousand one hundred and forty seven only) (vide USR 34732) while disposing the appeal, this Court doth order and decree as follows:-

(1) That the award dated 20.12.2012 made in M.C.O.P. No.22 of 2011 on the file of the Motor Accidents Claims Tribunal cum Principal District Judge, Theni is modified by enhancing the compensation amount payable to the Claimant from Rs.5,34,360/- to Rs.20,00,000/- (Rupees twenty lakhs only).



(2) That the respondents 1 and 2/claimants be and hereby are entitled to a sum of Rs.20,00,000/- (Rupees Twenty Laksh only) along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation and proportionate costs.

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(3) That the appellant/Insurance Company be and hereby is directed to transfer the share of the first respondent/husband of the deceased in the award amount, along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation and proportionate costs, less the amount already deposited, if any, as per the apportionment made by this court, directly to his personal savings Bank account number, through RTGS/NEFT, after obtaining his account details by the officials of the appellant/Insurance Company, within a period of six weeks from the date of receipt of a copy of this judgment.

(4) That insofar as the share of the minor second respondent/son of the deceased is concerned, the appellant/Insurance company be and hereby is directed to deposit his share amount, as per the apportionment made by this Court, to the credit of M.C.O.P. No.22 of 2011 on the file of the Motor Accidents Claims Tribunal cum Principal District Court, Theni, and thereafter, the Tribunal shall deposit the same in an interest bearing Fixed Deposit under a renewable scheme, till he attains majority;

(5) That the first respondent/father of the second respondent be and hereby is permitted to withdraw the interest accrued thereon once in two months for the welfare of the minor second respondent ;

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

TO

The MOTOR ACCIDENT CLAIMS TRIBUNAL cum
PRINCIPAL DISTRICT JUDGE, THENI

Copy to:

The Section Officer, (2 copies)
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies



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+1 CC to MR.C.JAWAHAR RAVINDRAN, Advocate (SR-53746 dated 13/03/2019)

ORDER DATED : 12/03/2019
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DECREE

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CMA(MD) . No.1241 of 2014

Nature of Decree:- Disposing the Civil Miscellaneous Appeal preferred against the judgment and decree of the PRINCIPAL DISTRICT JUDGE, THENI, dated 20/12/2012 made in MCOP.No.22/2011

MK (13.08.2019) 3P 5C