



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A. (MD)No.1420 of 2013

and

M.P. (MD) .No.1 of 2013

Iffco Tokyo General Insurance
Company Limited,
represented by its Branch Manager,
No.28, 1st and 2nd Floor,
North Usman Road,
T.Nagar,
Chennai 600 017.

... Appellant/3rd Respondent

Vs.

1.Latha Bai
2.Minor Jeba Malar
3.Minor Jeba Shiney
4.Chriyapushpam

... Respondents 1 to 4/
Petitioners

5.Arul Selvan
6.T.Narayanan Doss
7.P.Vijayakumar

... Respondents 5 to 7/
Respondents 1, 2 and 4

(Minor Respondents 2 and 3 are rep. By
their Mother Latha Bai - 1st Respondent)

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decreetal order dated 11.02.2013 made in M.C.O.P.No.98 of 2011 on the file of the Motor Accident Claims Tribunal (Sub Court), Padmanabhapuram.

For Appellant : Mr.S.Srinivasa Raghavan

For R1 to R4 : Mr.N.S.Ramakrishna Dass

For R5 : No appearance

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the Insurance Company against the order passed by the Motor Accident



Claims Tribunal (Sub Court), Padmanabhapuram in M.C.O.P.No.98 of 2011, dated 11.02.2013.

2. Though this appeal has been filed by the Insurance Company challenging both the liability as well as the quantum of compensation awarded by the Tribunal, Mr.S.Srinivasa Raghavan, learned counsel appearing for the appellant/Insurance Company fairly submitted that though the appellant has filed the present appeal on the ground of negligence, in order to substantiate the case of the appellant, before the trial Court, they have not examined any witnesses. The learned counsel for the appellant further submitted that with regard to the quantum, the award passed by the Tribunal is just and fair and therefore, he pleaded that the award of the Tribunal may be confirmed.

3. Taking into consideration of the submission made by the learned counsel for the appellant/Insurance Company, this Court is inclined to confirm the order passed by the Tribunal. Accordingly, the order passed by the Motor Accident Claims Tribunal (Sub Court), Padmanabhapuram in M.C.O.P.No.98 of 2011, dated 11.02.2013, is confirmed and the Civil Miscellaneous Appeal is dismissed.

4. In view of the dismissal of the appeal, the appellant/Insurance Company is directed to deposit the entire award amount along with interest at the rate of 7.5 % per annum from the date of claim petition till the date of deposit, to the credit of the claim petition, within a period of eight weeks from the date of receipt of a copy of this order, if not deposited already. On such deposit, the Tribunal is directed to transfer the said amount directly to the Personal Savings Account Number of the claimants by way of RTGS/NEFT system, after getting their Account Details, within a period of three weeks thereafter. In respect of the minor claimants, their share in the award amount shall be deposited in a Nationalised Bank in Fixed Deposit under re-investment scheme till they attain majority and the guardian of the minor claimants is permitted to withdraw interest once in three months. No costs. Consequently, the connected Miscellaneous Petition is closed.

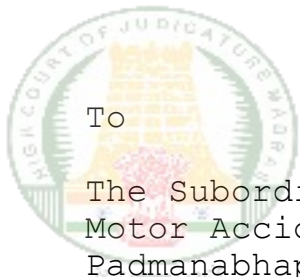
Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

akv



To

The Subordinate Judge,
Motor Accident Claims Tribunal (Sub Court),
Padmanabhapuram.

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Copy to:

The Section Officer, (2 Copies)
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-94763[F] dated
25/10/2019)

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-94837[F] dated
30/10/2019)

C.M.A. (MD)No.1420 of 2013
25.10.2019

JMN(12.12.2019) 3P : 6C