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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twenty Fourth day of October
Two Thousand and Nineteen

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

C.M.A. (MD) . No.659 of 2011

The New India Assurance Co. Ltd.,
West Boulevard Road,
Trichy - 8. Appellant / 2nd respondent

- Vs. -

1. Sheela Rani
2. Minor G. Dharshini
(Minor R2 represented by her mother and Natural Guardian Respondent No.1)
3. M. Renganathan
4. R. Vasanthi 1to4 Respondents / Petitioners
5. N.Devadoss 5th Respondent / 1st Respondent
6. M.Senthilkumar 6th Respondent / 3rd Respondent
- 7 . The National Insurance Co. Ltd.,
Fort Station Road,
Trichy - 2. 7th Respondent / 4th Respondent

Prayer in CMA(MD) . 659/ 2011 :

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, against the common judgment and Decree dated 04.08.2008 made in M.C.O.P. No. 924 of 2004 on the file of the Motor Accident Claims Tribunal/ III Additional Subordinate Court, Tiruchirappalli.

DECREE:-

This Civil Miscellaneous Appeal coming upon for hearing on this day; upon perusing the grounds of Appeals, the award of the Tribunal and the material papers to this case and upon hearing the arguments of MR. B. Vijay Karthikeyan, Advocate for the Appellant, Mr. Marimuthu, Advocate for the respondents 1 & 2, Mr. A.S. Mathialagan, Advocate for the 7th respondent and the Respondents 4 to 6 having not appeared either in person or through a counsel; this Court doth order and decree as follows:-



1. That the award passed in M.C.O.P. No. 924 of 2004 dated 04.08.2008 on the file of the Motor Accident Claims Tribunal/ III Additional Subordinate Court, Tiruchirappalli be and hereby is confirmed and the Civil Miscellaneous Appeal is do stand dismissed;

2. That the appellant herein / Insurance Company be and hereby is directed to deposit the entire award amount along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this judgment;

3. That on such deposit being made, that the Tribunal shall transfer the respective shares of the claimants (as per the apportionment made in M.C.O.P. No. 924 of 2004 on the file of the Motor Accident Claims Tribunal/ III Additional Subordinate Court, Tiruchirappalli) directly to their Bank Account through RTGS, within a period of three weeks thereafter;

4. That the minor shares shall be deposited in fixed deposit in any one of the Nationalized Bank for a period of three years, till She attain majority;

5. That the guardian of the minor / first respondent herein / mother of the minor be and hereby is permitted to withdraw the accrued interest thereon once in three months; and

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The III Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruchirappalli.

Copy to:

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

+ 1CC to Mr.B. Vijay Karthikeyan, Advocate in Sr. No.94715.

+ 1CC to Mr.A.S. Mathialagan, Advocate in Sr. No.94478.

+ 1CC to Mr.K. Appadurai, Advocate in Sr. No.94782.



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ORDER DATED 24.10.2019

DECREE

C.M.A (MD) No.659 of 2011

Dismissing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 04.08.2008 made in M.C.O.P. No. 924 of 2004 on the file of the Motor Accident Claims Tribunal/ III Additional Subordinate Court, Tiruchirappalli etc., as stated within.

PK (CO)

TR (22.01.2020) 3P 7C