



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

Friday, the Ninth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) . No.1837 of 2013

THE BRANCH MANAGER,
THE NATIONAL INSURANCE COMPANY LTD.
7-1, NORTH CAR STREET, SIVAKASI.

:Appellant / 2nd Respondent

Vs

1 ALAGAMMAL
2 MINOR K.VAIRAMUTHU
3 MINOR SURIYA
4 GURUSAMY
5 ANNALAKSHMI @ GURUVAMMAL

:Respondents 1 to 5 / Petitioners / Claimants

6 MUNIYANDI 6th Respondent / 1st Respondent

(Minor 2nd and 3rd respondents are rep. Through their mother and natural guardian the first respondent herein)

(NOTICE TO 6TH Respondent is DISPENSED WITH,
as he remained ex parte before the Tribunal)

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 12/12/2012 passed in M.C.O.P. No. 68 OF 2011 on the file of the Motor Accident Claims Tribunal / Subordinate Judge, Sivakasi.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR. J.S. MURALI, Advocate for the Appellant and of M. SURI, Advocate for the respondents 1 to 5, this Court doth order and decree as follows:-



(1) That the award dated 12/12/2012 passed in M.C.O.P. No. 68 OF 2011 on the file of the Motor Accident Claims Tribunal / Subordinate Judge, Sivakasi be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

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(2) That the Appellant / Insurance Company do deposit the entire award amount, less the amount already deposited, with accrued interest and cost, within a period of twelve weeks from the date of receipt of a copy of this judgment;

(3) That on such deposit, the major claimants herein be and hereby are permitted withdraw the respective shares as apportioned by the Tribunal, with accrued interest and costs;

(4) That the share of the minor Claimants shall be deposited in a Nationalized Bank till they attain majority

(5) That the 1st respondent / mother and guardian of the minor Claimants be and hereby permitted to withdraw the interest accrued from the said deposit once in three months directly from the Bank; and

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Sivakasi.

Copy to:

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

+1 CC to M/s.J.S.MURALI, Advocate SR-80968.



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CMA(MD). No.1837 of 2013

ORDER DATED : 09/08/2019

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DECREE

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CMA(MD) . No.1837 of 2013

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the award dated 12/12/2012 passed in M.C.O.P. No. 68 OF 2011 on the file of the Motor Accident Claims Tribunal / Subordinate Judge, Sivakasi.

CS(26.09.2019) 3P 5C