



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

Monday, the Seventeenth day of June, Two Thousand and Nineteen
present

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.470 of 2018

The Branch Manager
United India Insurance Company
Mano Complex, Kumaraiya Kovil Opposite
Ramanathapuram ... Appellant/2nd Respondent

vs.

1)Devi
2)Minor Bala Abishek
3)Minor Poojasree
4)Rajasekaran
5) Selvi ...Respondents 1 to 5/Petitioners 1 to 5

6)Noorjakhan Beevi ... 6th Respondent/1st Respondent

(Minor respondents 2 & 3 are represented by their natural guardian/mother 1st respondent - Devi)

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in MCOP No.55 of 2017 on the file of the Motor Accident Claims Tribunal - cum - Additional District Judge, Ramanathapuram.

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.Karthik, Advocate for the Appellant and of J.M.Hassanul Bazari, Advocate for first to fifth respondents, this Court doth order and decree as follows:



made in MCOP No.55 of 2017 be and hereby is modified and the Civil Miscellaneous Appeal is partly Allowed;

2) That the Award of the Tribunal be and hereby is reduced from Rs.26,89,200/- to Rs.25,88,400/- (Rupees Twenty Lakhs eighty eight thousand and four hundred only);

3) That the Appellant/Insurance Company be and hereby is directed to deposit the balance amount with interest and costs, less the amount already deposited, to the credit of the claim petition in M.C.O.P.No.55 of 2017, within a period of four weeks from the date of receipt of a copy of the Judgment;

4) On such deposit, the major claimants be and hereby are permitted to withdraw their respective shares with interest and costs;

5) The Share of the minor shall be deposited in a Nationalized Bank till they attain majority, after attaining majority, it is for the minor claimants to withdraw their respective shares by making necessary application before the Tribunal discharging guardianship. Till such time, the interest accruing on the said deposit is permitted to be withdrawn by the first respondent once in three months directly from the bank;

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

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar (CS)

msa

To

The Additional District Judge,
Motor Accident Claims Tribunal,
Ramanathapuram

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)



WEB COPY

+1 CC to M/s.C.KARTHIK, Advocate (SR-69699[F] dated 19/06/2019)

DATED:17.06.2019

DECREE

CMA(MD)No.470 of 2018

NATURE OF THE DECREE: Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and decree of the Additional District Judge, Motor Accidents Claims Tribunal, Ramanathapuram, dated 14.11.2017 made in MCOP No.55 of 2017

_KK/SAR/05.09.2019/3P-6C/