



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

Monday, the Nineteenth day of August Two Thousand and Nineteen
PRESENT

The Hon'ble Mr Justice K.KALYANASUNDARAM
AND

The Hon'ble Mrs.Justice R.THARANI

CMP(MD). No.5302 of 2019
in
CMA(MD).No.423 of 2018

- 1.Durgadevi
2. Minor.Sivasankari
3. Minor.Sivadharsini

(Appellants 2 & 3 are Rep by its Mother and Natural Guardian of the
Appellant Herein)

...Petitioner/Appellant

- Vs. -

1. The Branch Manager, United India Insurance Co.Ltd.,
No.61/2694, Therku Muthammai Veethi, Thanjavur.
2. Muthukrishnan
3. Veeramuthu
4. Rengammal

... Respondents / Respondents 4 to 7

Prayer in CMP(MD).No.5302 of 2019 :

Civil Miscellaneous Petition is filed under section 151 of Civil Procedure Code, praying this Hon'ble Court to modify the order and decree of this Honourable Court made in C.M.A.(MD)No.423 of 2018, dated 27.02.2018.

Prayer in CMA(MD).No.423 of 2018 :

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 30.10.2017 passed in M.C.O.P.No.832 of 2013 on the file of the Motor Accident Claims Tribunal, Additional District & Special court, Pudukkottai.

ORDER: -

Civil Miscellaneous Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. A.V.Rajasekaran, Advocate for the Petitioner, this Court made the following order:

<https://hcservices.ecourts.gov.in/hcservices/>



[Order of the Court was made by K.KALYANASUNDARAM, J.]

This petition has been filed seeking modification of the order and decree passed in C.M.A.(MD)No.423 of 2018, dated 27.02.2019.

2. The first petitioner is the wife and the petitioners 2 and 3 are the children of the deceased Chinnadurai, who died in an accident on 02.09.2012. The petitioners filed M.C.O.P.No.832 of 2018, claiming a compensation of Rs.80,00,000/-. The parents of the deceased filed M.C.O.P.No.728 of 2013. The Tribunal, by a common judgment, has awarded a compensation of Rs.50,81,200/-.

3. On appeal filed by the Insurance Company, the quantum was reduced to Rs.45,41,200/-. Out of the total compensation, the first petitioner was permitted to withdraw Rs.12,81,200/- and the minor children, the petitioners 2 and 3 were awarded compensation of Rs.12,00,000/- each. While disposing of the appeal, we directed the Insurance Company to deposit the entire compensation, less already deposited to the credit of the claim petition. The amount was directed to be deposited in the Indian Bank, High Court Branch, Madurai. The first petitioner was permitted to withdraw the entire award amount along with interest and the minor amount along with the proportionate interest was directed to be in fixed deposit until they attain majority.

4. The learned counsel for the petitioners would submit that the entire award amount has now been deposited in the State Bank of India, Main Branch, Pudukkottai and it would be convenient for the claimants to withdraw the amount from the State Bank of India. The learned counsel seeks permission to withdraw the interest on the deposit of the minor petitioners 2 and 3 for their welfare.

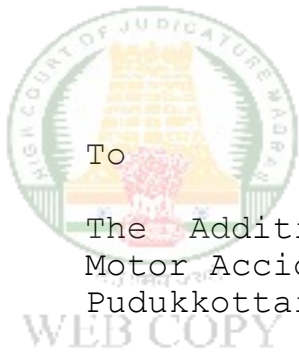
5. Taking note of the fact that the first petitioner is the mother and natural guardian of minor petitioners 2 and 3 and she is taking care of them, we permit the first petitioner to withdraw the accrued interest and future interest once in three months and in view of the difficulties expressed by the petitioners, the amount need not be transferred to the Indian Bank, High Court Branch, Madurai and the award amount of the minor petitioners 2 and 3 shall remain in their name in the State Bank of India, Main Branch, Pudukkottai, till they attain majority. In all other respects, the judgment and decree passed by this Court, dated 27.02.2019, remains unaltered. Accordingly, this petition is ordered.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To

The Additional District & Special Judge,
Motor Accident Claims Tribunal,
Pudukkottai.

+1cc to Mr. A.V.Rajasekaran, Advocate, SR No.82310.

rns

CS(03.10.2019) 3P 3C