



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Tenth day of April Two Thousand and Nineteen

PRESENT

The Hon'ble Mr Justice K.KALYANASUNDARAM

AND

The Hon'ble Mrs.Justice R.THARANI

CMA(MD) . No.409 of 2018

THE BRANCH MANAGER,
THE ORIENTAL INSURANCE COMPANY LTD., CHENNAI.

... Appellant/ 3rd Respondent

Vs

1 RUBATHI

2 RONISTA (MINOR)

(R2 MINOR REP BY HER NEXT FRIEND MOTHER R1 RUBATHI)

3 BARNABAS

4 JEEVA

5 JANCY ...Respondents No.1 to 5 / Petitioners No.1 to 5

6 ANBU ...6th Respondent / 1st Respondent

7 DHATCHAYANI ...7th Respondent / 2nd Respondent

(RR6 and 7 remained exparte before the lower court)

Prayer:-

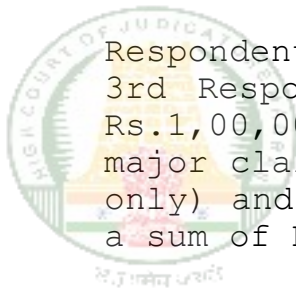
Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 16/12/2017 made in MCOP.57/2017 on the file of the MOTOR ACCIDENT CLAIMS TRIBUNAL - cum - ADDITIONAL DISTRICT JUDGE TENKASI.

Decree:

Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in this Appeal and upon hearing the arguments of Mr. K.Bhaskaran, Advocate for the Appellant and of Mr. R.J.Karthick, Advocate for Respondents No.1 to 5, and this Court while Allowing the Appeal and modifying the award passed by the Tribunal below, doth order and decree as follows:

1 That, the award dated 16/12/2017 made in MCOP.57/2017 passed by the MOTOR ACCIDENT CLAIMS TRIBUNAL - cum - ADDITIONAL DISTRICT JUDGE TENKASI, be and hereby is reduced from Rs.23,11,200/- (Rupees Twenty Three Lakhs Eleven Thousand and Two Hundred only) to 21,11,200/- (Rupees Twenty One Lakhs Eleven Thousand and Two Hundred only) and the excess amount shall be returned to the appellant herein / Insurance Company, since the entire award amount has been deposited;

2 That, the 1st Respondent herein / 1st major claimant be and hereby is permitted to withdraw a sum of Rs.5,11,200/- (Rupees Five Lakhs Eleven Thousand and Two Hundred only), the Second



Respondent/2nd Claimant is to withdraw a sum of Rs.10,00,000/- the 3rd Respondent herein / 3rd major claimant to withdraw a sum of Rs.1,00,000/- (Rupees One Lakh only), the 4th Respondent herein / 4th major claimant to withdraw a sum of Rs.4,00,000/- (Rupees Four Lakhs only) and the 5th Respondent herein / 5th major claimant to withdraw a sum of Rs.1,00,000/- (Rupees One Lakh only);

3 That, the share of the 2nd Respondent herein / minor claimant a sum of Rs.10,00,000/- shall be deposited in any one of the Nationalized Bank in an interest bearing deposit;

4 That, the first Respondent herein / first claimant mother be and hereby is directed to withdraw the interest arising out of the said amount (Rs.10,00,000/- (Rupees Ten Lakhs only) once in three months, till the minor attains majority and;

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

TO

The MOTOR ACCIDENT CLAIMS TRIBUNAL - cum -
ADDITIONAL DISTRICT JUDGE, TENKASI.

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai (+ 2 Copies)

+1 CC to M/s.K.BHASKARAN, Advocate, SR 60303

+1 CC to M/s.R.J.KARTHICK, Advocate, SR-60310

ORDER DATED : 10/04/2019

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DECREE

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CMA(MD). No.409 of 2018

Nature of Decree:-
Allowing the Civil
Miscellaneous Appeal
against the judgment and
decree of the ADDITIONAL
DISTRICT JUDGE, TENKASI
(MACT), dated 16/12/2017
made in MCOP.57/2017.

NS (CO)

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

IR (29.05.2019) 2P 6C