



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

Thursday, the Twenty Eighth day of February Two Thousand and
Nineteen

WEB COPY

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
AND
The Hon`ble Mrs.Justice R.THARANI

CMA(MD).No.1093 of 2018

THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO.LTD.,
NO.2, BHUVANESWARI COMPLEX,
DR.SANKARAN ROAD,
NAMAKKAL.

... Appellant/2nd Respondent

Vs

1. M.NIJAMDEEN,
 2. N.MOOMINABABU,
 3. MINOR.N.FATHIMA,
 4. MINOR.N.ATHIKA, ...Respondents 1 to 4/Petitioners 1 to 4
 5. P.SAMPOORNAM, ...5th Respondent/1st Respondent
- (R3 and R4 rep thro their father and next friend R1.NIJAMDEEN)

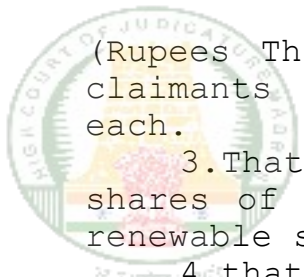
Prayer :-

This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 31.10.2017 passed in MCOP No.509 of 2016 on the file of the Motor Accidents Claims Tribunal, V Additional District Court, Madurai.

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.I.ROBERT CHANDRAKUMAR, Advocate for the Appellant and of Mr.S.BASKARAN, Advocate for the Respondents 1 to 4, and the 5th Respondent not appearing either in person or by Advocate, this Court, while partly allowing the appeal doth order and decree as follows:

1.that the award of the Tribunal be and hereby is reduced from Rs.26,46,000/- (Rupees Twenty Six lakhs and forty six thousand only) to Rs.18,44,400/- (Rupees Eighteen lakhs forty four thousand and four hundred and only) which is rounded off to Rs.18,45,000/- (Rupees eighteen lakhs forty five thousand only).

2.that out of Rs.18,45,000/- the first claimant who is the father of the deceased, be and hereby is entitled for Rs.3,45,000/-



(Rupees Three Lakhs and Fourty Five Thousand only) and the other claimants are entitled for Rs.5,00,000/-(Rupees Five Lakhs only) each.

3.That the Tribunal be and hereby is directed to deposit the shares of the minors/respondents 3 and 4 in a fixed deposit under renewable scheme periodically till they attain majority.

4.that on such deposit being made, the first respondent/ the Guardian of the minors be and hereby is permitted to withdraw the interest accrued thereon once in three months for the welfare of the minors.

5.That the major claimants be and hereby are permitted to withdraw their respective shares without filing any formal petition before the Tribunal.

6.That the excess amount be and hereby refunded to the appellatant Insurance Company.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

TO
THE V ADDITIONAL DISTRICT COURT,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, MADURAI.

Copy to:
THE SECTION OFFICER,
V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 COPIES)

+2cc to Mr.S.BASKARAN,Advocate, SR.No.50467
+1cc to Mr.G.PRABU RAJADURAI, Advocate, SR.No.51127

ORDER DATED:28/02/2019

DECREE

CMA(MD).No.1093 of 2018
Partly allowed this CMA(MD).
No.1093 of 2018 preferred against
the judgment and decree passed by
V ADDITIONAL DISTRICT JUDGE,
MACT, MADURAI made in MCOP
No.509/2016 on 31/10/2017 etc.,
as stated within.

KK/SAR/30.04.2019/ 2P- 7C