



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

Friday, the Twenty Second day of November Two Thousand and Nineteen
PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.719 of 2019

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M/s.The New India Assurance Co. Ltd.,
Through its Divisional Manager,
Having office at No.41B, Victoria Street,
Thoothukudi- 628 001. ...Appellant/2nd Respondent

Vs

- 1) AZHAGAMMAL, W/o.Late.Muthuramalingam
- 2) Iruvakkal, W/o.Late.Muthuramalingam
- 3) Sivagurunathan, S/o.Late.Muthuramalingam
- 4) Rajkumar, S/o.Late.Muthuramalingam
- 5) Minor.Anguchamy, S/o.Late.Muthuramalingam
- 6) Minor Pon Irulan, S/o.Late.Muthuramalingam
All at Saminatham, Panaiyur Post, Thiruchuli Taluk,
Virudhunagar District

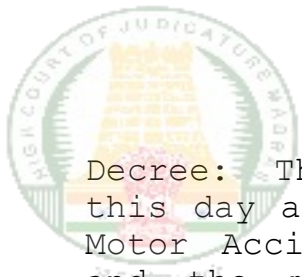
(R5 and R6 minors represented by Mother and Natural Guardian-
1st Respondent) ... Respondents 1 to 6/Petitioners

- 7) Xavier Alex Selvan, S/o.Siluvai Pitchai,
No.1773, Tharuvaikulam, Ottapidaram Taluk,
Tuticorin District -628 106
- 8) M/s.The Oriental Insurance Company Ltd.,
through its Divisional Manager,
Having its Office at No.6, North Veli Street,
K.J.R Complex, 1st Floor, Madurai-625 001.
- 9) Pandi, S/o.Arumugam,
No.1/50, Panaiyur North Street,
Pillaiyarnatham, Thiruchuli Taluk.
(No relief sought against the respondents 8, 9 hence
notice is not necessary for Respondents 8, 9)

... Respondents 7 to 9/Respondents 1, 3 & 4

Prayer :-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 08.02.2019 made in M.C.O.P.No.5 of 2016 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Aruppukottai.



Decree: This Civil Miscellaneous Appeal coming up for hearing on this day and upon perusing the grounds of Appeal, the award of the Motor Accidents Claims Tribunal (Subordinate Judge), Aruppukottai and the material papers in this Appeal and upon hearing the arguments of Mr.G.Prabhu Rajadurai, Advocate for Appellant, and of Mr.M.Jothi Basu, Advocate for Respondents 1 to 6 this Court while allowing the appeal in part with modification of the award of Tribunal below, doth order and decree as follows :

1.That the award and decree dated 08.02.2019 passed in M.C.O.P.No.5 of 2016, on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Aruppukottai, be and hereby are modified ;

2.That the quantum of compensation awarded by the Motor Accidents Claims Tribunal (Subordinate Judge), Aruppukottai be and hereby is reduced from Rs.16,32,950/- (Rupees Sixteen lakhs thirty two thousand nine hundred and fifty only) to Rs.13,60,000/- (Rupees Thirteen Lakhs and sixty thousand only);

3. That the appellant Insurance Company herein do deposit the entire award, if already not deposited, within a period of eight weeks from the date of receipt of a copy of this Judgment, along with interest at the rate of 7.5% p.a., from the date of Claim Petition.

4.That the Tribunal be and hereby is directed to transfer the entire amount to the claimants Respondents 1 to 6 by way of RTGS/NEFT system, after getting their Bank Account details, within a period of three weeks thereafter, without waiting for any application from the claimants as apportioned hereunder;

5.That the first and second respondents, who are the wife of the deceased, be and hereby are entitled to get Rs.3,00,000/- (rupees Three Lakhs only) each, the third and fourth respondents, who are the children born through the first wife, are entitled to get a sum of Rs.1,55,000/- (rupees One Lakhs Fifty Five Thousand only) each and the fifth and sixth respondents, who are the children born through the second wife, are entitled to get a sum of Rs.1,55,000/- (rupees One Lakhs Fifty Five Thousand only) each;

6.That since the fifth and sixth respondents are minors, their shares in the award amount shall be deposited in any one of the nationalized bank in a fixed deposit, initially for a period of three years and renewable thereafter, till they attain majority;

7.That the first respondent, who is the mother and the natural guardian of the minor claimants/respondents 5 and 6, be and hereby is permitted to withdraw the accrued interest, once in three months directly from the bank and utilize the same for their welfare;



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

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

To

The Subordinate Judge,
The Motor Accidents Claims Tribunal,
Aruppukottai.

Copy to:

The Record Keeper,
V.R. Section, (2 COPIES)
Madurai Bench of Madras High Court, Madurai.

+1 cc Mr.G.Prabhu Rajadurai, Advocate in SR No.100839

+1 cc Mr.M.Jothi Basu, Advocate in SR No.100617

ORDER DATED : 22/11/2019

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DECREE

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CMA(MD). No.719 of 2019

Partly Allowing the CMA(MD). No.719/2019 preferred against the judgment and decree, dated 08.02.2019 made in M.C.O.P.No.5 of 2016 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Aruppukottai

MK (26.02.2020) 3P 6C