



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM:

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.(MD) No.877 of 2018
and C.M.P.(MD) Nos.9585 of 2018
and 4953 of 2019

The Manager,
Reliance General Insurance Company Ltd.,
PLA Kanagu Towers,
2nd Floor, Thillai Nagar,
Trichy ... Appellant/2nd Respondent

versus

1. Sudha
2. Minor Sivaranjani
(Minor is respresented by her
mother 1st respondent)
3. Poovalingam
4. Diravidamani
5. Sumathi
6. Kavitha ...1 to 6 Respondents/Claimants 1 to 6
7. Ranjithkumar ... 7th Respondent/1st Respondent

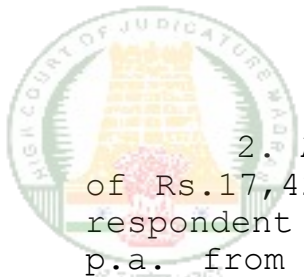
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 22.01.2016 made in M.C.O.P.No.361 of 2014 on the file of Motor Accident Claims Tribunal (learned Special District Judge), Tanjore.

For Appellant : M/s.K.Gokul

For Respondents : M/s.N.Tamilmani for R1 to R6

JUDGMENT

One Ravikumar, aged about 28 years, working as a Driver under the first respondent before the Tribunal, earning a sum of Rs.6,000/- per month, met with an accident on 18.04.2011 and sustained injuries and succumbed to those injuries. Hence, the legal representatives of the deceased, namely, wife, daughter, parents and sisters of the deceased filed a claim petition in M.C.O.P.No.361 of 2014 before the Motor Accident Claims Tribunal, Thanjavur, claiming compensation of Rs.20,00,000/-.



2. As against the claim made, the Tribunal has awarded a sum of Rs.17,42,000/- as compensation, which is payable by the second respondent Insurance Company, along with interest at the rate of 9% p.a. from the date of petition till the date of deposit. The Tribunal has also ordered for pay and recovery from the owner of the vehicle. Challenging the quantum of compensation as excessive, the Insurance Company has filed this appeal.

3. Though the learned counsel appearing for the appellant has raised several issues with regard to the fixation of quantum, he has fairly restricted his argument to the fixation of interest at 9% p.a. According to him, the interest fixed by the Tribunal at the rate of 9% p.a. is on higher side and the same should be reduced to 7.5% p.a.

4. The learned counsel appearing for the claimants/respondents 1 to 6 has also fairly agreed for the above proposal reducing the interest from 9% p.a. to 7.5% p.a.

5. Accordingly, this Court, while confirming the quantum of award fixed by the Tribunal, reduces the interest fixed by the Tribunal to 7.5% p.a. from 9% p.a. The apportionment fixed by the Tribunal shall remain unchanged.

6. In the result, the Civil Miscellaneous Appeal is partly allowed.

7. It is submitted by the Insurance Company that this Court, while granting interim stay, directed the Insurance Company to deposit the entire award amount along with accrued interest and costs to the credit of M.C.O.P.No.361 of 2014, on the file of the Motor Accident Claims Tribunal (Special District Judge), Thanjavur and also directed the Tribunal to transfer the entire award amount to the credit of C.M.A.No.877 of 2018, before the Indian Bank, Madurai Bench of Madras High Court, Madurai, which amount shall be deposited by the Indian Bank in the interest bearing account, till the disposal of the appeal. As per the said direction, the Insurance Company has deposited the entire award amount along with interest and costs.

8. In view of the above, the Tribunal is directed to take necessary steps to transfer the respective shares of the major claimants (as determined in this appeal with regard to the interest) to their accounts through RTGS within a period of three weeks from the date of transfer of funds by the Indian Bank attached to this Bench and report compliance on or before 18.11.2019. The share of the minor claimant shall be deposited in a Fixed Deposit in any one of the Nationalized Bank till she attains majority and the interest accrued thereon shall be withdrawn by her mother once in three months. The Insurance Company is permitted to withdraw the excess



amount, if any. No costs. Consequently, connected miscellaneous petitions are closed.

9, Post the matter on 18.11.2019 for reporting compliance.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Speical District Judge, (2 Copies)
Motor Accident Claims Tribunal,
Tanjore.

Copy to:

The Section Officer, (2 Copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. GOKUL, Advocate (SR-85360[F] dated 05/09/2019)

+1 CC to M/s.N.TAMILMANI, Advocate (SR-85796[F] dated 06/09/2019)

C.M.A. (MD) No.877 of 2018
05.09.2019

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