



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT,

(Civil Appellate Jurisdiction)

Friday, the Twenty Sixth 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.1315 of 2013

THE BRANCH MANAGER
ORIENTAL INSURANCE COMPANY LTD. S.V.COMPLEX
179 ESWARAN KOVIL STREET, PUDUCHERI TOWN AND MUNSIF

... Appellant/Respondent No.2

Vs

1 R.ARULRAJAN (*) DIED ...1st Respondent/Petitioner

2 A.SANKAR, ...2nd Respondent/1st Respondent
(2nd respondent remained exparte
before the lower court)

3 MADAVI

4 MINOR KAVI RAJAN

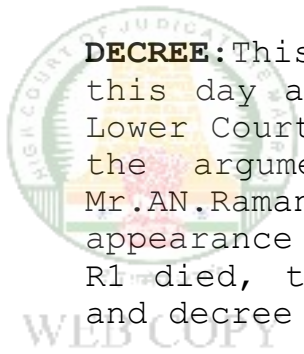
5 VEDAMBAL

(R3 TO R5 ARE BRING ON RECORD
AS LRS OF R1 VIDE COURT ORDER DT.13.2.19
IN CMP. 10081-10083/17)

... Respondents

Prayer :-

This Civil Miscellaneous Appeal is filed Under Section 173 of the Motor Vehicle Act, 1988, against the award and decree dated 05.04.2013 passed in MCOP.No.939/2009, on the file of the Motor Accident Claims Tribunal cum Addl. District & Sessions Judge, Essential Commodities Act, Special Judge, Thanjavur.



DECREE: This Civil Miscellaneous Appeal coming upon 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, Mr.AN.Ramanathan, Advocate for the Respondents R3 to R4 and no appearance either in person or by an Advocate for the R2 and R5 and R1 died, this court while allowing the appeal in part, doth order and decree as follows:-

1.that the quantum of compensation awarded by the Tribunal below be and hereby is reduced from Rs.67,68,846/- to Rs.59,84,886/-

2.that from this amount 20% be and hereby is deducted towards income tax and the award amount is Rs.47,87,909/- which is rounded off to Rs.48,00,000/- and the award amount shall carry an interest of 7.5% from the date of claim petition and till the date of deposit.

3.that the Insurance Company herein/Appellant is directed to pay Rs.11,96,977/ to the Income Tax Department.

4.that the respondents herein/Claimants be and hereby is permitted to withdraw the balance modified award amount and the excess amount shall be returned to the appellant/Insurance Company.

5.that the major claimants be and hereby are permitted to withdraw their shares.

6.that the entire share of the minor be and hereby shall be deposited in any one of the Nationalized Banks in an interest bearing deposit till the minor attains majority.

7.that the mother of the minor herein/third claimant be and hereby is permitted to withdraw the interest arising out of the said amount once in three months.

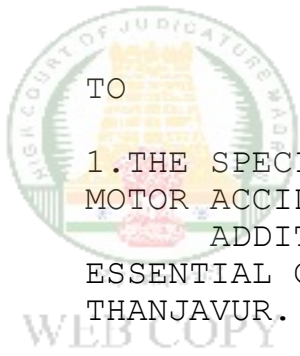
8.that there be and hereby no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



TO

1. THE SPECIAL JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL CUM
ADDITIONAL DISTRICT AND SESSIONS JUDGE,
ESSENTIAL COMMODITIES ACT,
THANJAVUR.

+1 CC to Mr. AN. RAMANATHAN, Advocate, SR-63207.
+1 CC to Mr. K. BHASKARAN, Advocate, SR-63642.

ORDER DATED : 26/04/2019
CMA (MD) . No. 1315 of 2013

DECREE:

PARTLY ALLOWED this CMA (MD) .
No. 1315 of 2013 preferred
against judgment and decree
passed by THE SPECIAL
JUDGE, MOTOR ACCIDENT
CLAIMS TRIBUNAL CUM
ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ESSENTIAL
COMMODITIES ACT, THANJAVUR
THANJAVUR made in
MCOP. 939/2009 on 05/04/2009
etc. as stated within.

CS (19.08.2019) 3P 4C