

IN THE HIGH COURT OF JUDICATURE AT MADRAS
WEDNESDAY, THE EIGHTEENTH DAY OF NOVEMBER

TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1793 of 2013

S.Rajagopal ...Appellant/1st Respondent

VS

1.Vasavi

2.Minor P.Pavithra

3.Minor P.Sivasankari

4.Minor P.Sivarasan

(Minors represented by their
Guardian and mother, the 1st
respondent, Vasavi)

5.Govindaraji ...5th Respondent/2nd Respondent

6.The Oriental Insurance Company Ltd.

Katpadi road, Vellore, North Arcot District.

...Respondents

Prayer:Appeal against the order and decree of the Motor Accident Claims Tribunal, Additional District and Sessions Court (Fast Track Court) Tirupattur, Vellore District dated 25/04/2003 and made in MCOP No.499 of 2002.

DECREE:This Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the order and decree of the Court below and the material papers in the case and upon hearing the arguments of Mrs.V.Srimathi for M/s.V.Raghavachari, Advocate for the Appellant and of Mr.P.Kandasamy, Advocate for the Sixth respondent and of Mr.Prabakaran for Mr.G.Rajan, Advocate for the Respondents 1 to 4 and this Court doth order and decree as follows;

i)that the compensation award and decree on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Court (Fast Track Court) Tirupattur, Vellore District made in MCOP No.499 of 2002 dated 25/04/2003 be

and hereby is confirmed and this Civil Miscellaneous Appeal is dismissed;

ii)that the Owner and driver of the tractor do pay to the claimants a sum of Rs.1,31,100/- (Rupees One lakh Thirty One Thousand and One Hundred only) along with interest and costs is confirmed;

iii)that the 1st Claimant being Wife of the deceased is entitled to a sum of Rs.42,000/- and the Claimants 2 to 4 being children of the deceased are entitled to a sum of Rs.29,700/- each as compensation;

iv)that the owner and driver of the tractor be and hereby are jointly and severally directed to deposit the entire amount awarded by the Tribunal along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment;

v)that on such deposit, being made the 1st Claimant is permitted to withdraw the share of the award amount as per the apportionment made by this Court along with proportionate interest and costs less the amount if any, already withdrawn;

vi)that the share of the Minor Claimants 2 to 4 are directed to be deposited in any one of the Nationalized Banks till the minors attain majority and the 1st Claimant being mother of the Claimants 2 to 4 are permitted to withdraw the respective interest once in three months for the welfare of the respective minors;

vii)that the appeal is dismissed as against the Insurance Company;

viii)that there be no costs in this Civil Miscellaneous Appeal;

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal,
The Additional District and Sessions Judge,
(Fast Track Court)
Tirupattur, Vellore District.

+1cc to Mr.R.Rajarajan, Advocate Sr.37123

+1cc to Mr.V.Raghavachari, Advocate SR.37102

Dated:18/11/2020

DECREE

C.M.A.No.1793 of 2013

Dismissing the Civil Miscellaneous Appeal is preferred against the award and decree of the Motor Accident Claims Tribunal, Additional District and Sessions Court (Fast Track Court) Tirupattur Vellore District made in MCOP No.499 of 2002 dated 25/04/2003 etc., as stated within.

vba[co]
srg 26/08/2021