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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2837 of 2013

and

M.P.Nos.1 of 2013 & 1 of 2014

(Through Video Conferencing)

Branch Manager,
M/s. National Insurance Co. Ltd.,
7, Raja vethi,
P.O. Box No.19,
Gobichettipalayam.

... Appellant/III Respondent

Vs.

1.Perumal

2.Kunjammal

3.Maragatham

4.Minor Sangeetha

5.Minor Divya
(both minors are represented
by Next Friend and
Guardian Maragatham)

... 1 to 5 Respondents/Petitioners

6.M.Perumal

7.K.M.Muniappan

... 6 & 7th Respondents/1 & 2 Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 30.03.2012 made in M.C.O.P.No.672 of 2010 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge) at Sathyamangalam.



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For Appellant : Ms.R.Sree Vidhya
For 2nd to 6th Respondents : No appearance

J U D G M E N T

The learned counsel for the appellant is present. There is no representation on behalf of the 2nd to 6th respondents. It appears that the tapal is not yet returned as to whether the notices on the 1st and the 7th respondents have been served or not. Since the appeal is of the year 2013 and no adverse orders are proposed to be passed against the contesting respondents/claimants who are the 1st to 5th respondents, this appeal is taken up for final hearing and is being disposed by this Judgment.

2. The Insurance Company is the appellant. It is aggrieved by the impugned Judgment and Decree dated 30.03.2012 passed by the Motor Accident Claims Tribunal (Subordinate Court), Satyamangalam in M.C.O.P.No.672 of 2010.

3. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.5,81,250/- as compensation together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit and costs, to the 1st to 5th respondents / claimants who are the legal representatives of the deceased Eswaran.

4. The brief facts of the case are that on 30.03.2010 at about 3.00 p.m., while the deceased Eswaran along with one Arumugam was travelling after purchasing the goats on a Mini Auto bearing reference number T.N.36-X-1815 belonging to the 7th respondent insured with the appellant Insurance Company at Gopi main road, the 6th respondent drove the insured vehicle in a rash and negligent manner and hit against a tamarind tree, as a result of which, the deceased Eswaran and said Arumugam suffered grievous injuries and were admitted in the hospital. Unfortunately, the deceased Eswaran succumbed to the injuries and died at 10.20 p.m while getting treatment in the hospital.

5. Therefore, the 1st to 5th respondents who are the legal representatives of the deceased Eswaran filed a claim petition for compensation of Rs.15,48,800/-. After considering the evidence on record, the Tribunal has awarded the aforesaid compensation of Rs.5,81,250/- to the 1st to 5th respondents/claimants.



any amount already withdrawn, by filing suitable applications before the Tribunal.

14. The 4th and 5th respondents/4th and 5th claimants were aged about at 13 & 9 years respectively at time of filing of the claim petition in the year 2010. Since they have attained the age of majority, they are permitted to file appropriate applications for recording the age of majority before the Tribunal to withdraw their share and interest awarded by the Tribunal.

15. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To:-

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Sathyamangalam.

Copy To

The Section Officer,
V.R. Section,
High Court, Madras - 104.

+1cc to Ms.R.Sree Vidhya, Advocate, S.R.No.40128

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M.P.Nos.1 of 2013 & 1 of 2014

CA(CO)
RLP(02/09/2021)