

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.2723 of 2016

M/s.Tata AIG General Insurance Company Limited,
118/6, No, Kiruba Complex,
Rajaji Road, Salem.

...Appellant/2nd Respondent

/versus/

1. Vijayalakshmi
2. Varsha (Minor)
3. Pooja (Minor)
4. Durga (Minor)
5. Rohith (Minor)

minors rep.by mother by NF, 1st Respondent

6. M.Alagesan

7. Vijaya

8. M.Murugesan

...Respondents 1 to 7/ Claimants

...8th Respondent/1st Respondent

Appeal against the Judgment and decree of the Motor Accident Claims Tribunal, Special District Salem, dated 11/03/2016 and made in MCOP No.1878/2011.

Decree: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers available in this appeal and upon hearing the arguments of Ms.Harini for Mr.N.Vijayaraghavan advocate for appellant and the respondents not appearing in person or by an advocate wherein the appellant /2nd respondent having deposited 50% as per the directions of this court in CMP No.2339/17 in CMA No.2723/16 dated 23/02/17, this Court while allowing the Civil Miscellaneous Appeal, doth order and decree as follows;

1. that the total compensation amount awarded by the Motor Accident Claims Tribunal, Special District Court, Salem dated 11/03/2016 in MCOP No.1878/2011 be and hereby is reduced to Rs.1,00,000/- (Rupees one lakh only)

2. that Respondents / Claimants be and hereby are entitled for a sum of Rs.1,00,000/- (Rupees one lakh only) with interest

form the date of numbering the claim petition till the date of realisation that the said award amount shall be apportioned equally by the respondents 1 to 5/ Claimants 1 to 5.

3. that the 1st respondent / 1st Claimant be and hereby is permitted to withdraw her share of compensation with interest and cost from the date of petition till the date of realisation.

4. that the shares of the minors / respondents 2 to 5 / claimants 2 to 5 shall be invested in any nationalised bank in the interest bearing fixed deposit, till they attain majority that the 1st respondent / 1st claimant, the mother of the minor respondents 2 to 5 / Claimants 2 to 5 is entitled to withdraw the interest once in three months.

5. that the appellant / Insurance Company shall be permitted to withdraw the balance amount, less the amount by filing proper application before the Tribunal.

6. that there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To
The Special District Judge,
The Motor Accident Claims Tribunal,
Salem.

Copy To:
The Section Officer
VR Section, High Court Madras.(2copies)

Dated: 14/10/2020

Decree:

C.M.A.No.2723 of 2016

Allowing the appeal preferred against the Judgment and decree passed by the Motor Accident Claims Tribunal, Special District Judge, Salem, dated 11/03/2016 in MCOP No.1878/11 as stated within.

SSI (CO)
RMP (13/05/2021)



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