

C.M.A.No.2837 of 2016 and C.M.A.SR.No.3393 of 2020

R.SUBBIAH, J

and

C.SARAVANAN, J

(The Order of the Court was made by R.Subbiah, J)

These appeals are brought forth before this Court under the caption "for being mentioned" at the instance of the learned counsel appearing for the claimants.

2. This Court, by the said judgment dated 14.08.2020, observed and directed as follows in paragraphs 13 and 14:

"13. Thus, the total sum of Rs.15,50,000/- awarded by the Tribunal towards compensation is hereby reduced to Rs.15,00,000/-, which shall carry interest at 7.5% from the date of claim petition till the date of payment. The Insurance Company is directed to deposit the total compensation awarded by this Court before the Tribunal, after adjusting the amount if any already deposited, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the first claimant is permitted to withdraw her share. Insofar as the minor claimants 2 & 3 are concerned, their shares shall be deposited by the Tribunal in any Fixed Deposit Scheme in any one of the Nationalised Bank and it shall be renewed periodically till they attain majority and the interest accrued thereon shall be withdrawn by the first claimant/mother once in three months. The apportionment of shares fixed by the Tribunal to the claimants is hereby

confirmed. As the fourth claimant died at the time of filing of the appeal itself, his share shall be disbursed to his legal heirs, upon an application being taken out by his Legal heirs.

14. With the above observations and directions, C.M.A.No.2837 of 2020 is partly allowed. Consequently, CMA.SR.No.3393 of 2020 is rejected. No costs. Consequently, connected miscellaneous petitions are closed. This order will not prevent the appellant/Insurance Company to dispute the liability of any other connected pending claim before any other Forum."

3. The learned counsel appearing for the claimants submitted that this Court, by judgment dated 14.08.2020, while partly allowing the appeal filed by the Insurance Company in C.M.A.No.2837 of 2016, and rejecting C.M.A.SR.No.3393 of 2020 filed by the claimants, had reduced the compensation amount awarded by the Tribunal from Rs.15,50,000/- to Rs.15,00,000/-. The learned counsel appearing for the claimants further submitted that in view of the reduction of the compensation amount as awarded by the Tribunal, a sum of Rs.1,00,000/- awarded by the Tribunal to the share of the father (P.Dhandapani) of the deceased Subramaniyan, may be reduced to Rs.50,000/-. Consequently, since the father Dhandapani had died during the pendency of the present appeals, the said amount of Rs.1,00,000/- may be allotted to equal share of the minor claimants 2 and 3.

4. In view of the above submissions made by the learned counsel

appearing for the claimants, the apportionment of shares are mentioned below:

(i) The share of the father of the deceased shall fall on to mother of the deceased, (though she had not been impleaded in the claim petition) and she is entitled for Rs.5,50,000/-.

(ii) The wife of the deceased, i.e. the first claimant is entitled for Rs.4,75,000/- and the minor claimants 2 and 3 are entitled to Rs.4,75,000/- jointly.

5. In other respects, the above said judgment dated 14.08.2020 shall remain unaltered.

(R.P.S.J) (C.S.N.J)
29.09.2020

Internet: Yes
Speaking Orders: Yes

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Order dated 29.09.2020 in C.M.A.No.2837 of 2016 and C.M.A.SR.No.3393 of 2020

R.SUBBIAH, J

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C.SARAVANAN, J

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