

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.M.A.No.375 of 2007

1.Thilagam

2.Minor R.Keerthana

Minor rep. by her mother/
guardian Thilagam

3.V.Subramaniam

4.Kuppammal

... Appellants / Petitioners

Versus

1.R.Arunthathi

2.The Branch Manager,

National Insurance Co. Ltd.,
81-D, Chetty Street,
Opp. Bus Stand,
Tiruchengode - 637 211
Namakkal District

3.The New India Assurance Co Ltd.,

Kumaran Shopping Complex,
Kumaran Road, Tiruppur,
Coimbatore District

... Respondents / Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, challenging the negligence fixed, and for enhancement of the compensation amount awarded in the judgment and decree in MCOP.No.468 of 2002 dated 21.04.2006 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Erode.

DECREE: This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the judgment and decree of the Lower Court and the material papers in this case and upon hearing the arguments of Mr.N.Manokaran, Advocate for the Appellants herein and of Mr.E.Rajadurai, Advocate for the third Respondent and the second Respondent not appearing in person or by Advocate

and the notice of first Respondent not ready, this court doth order and decree as follows:

(i) That the award passed by the motor accidents claims tribunal, Chief Judicial Magistrate Court, Erode made in MCOP.No.468 of 2002 dated 21.04.2006 be and hereby is confirmed and the Civil Miscellaneous appeal is dismissed;

(ii) That the Third Respondent herein/ Insurance company be and hereby is directed to deposit the total compensation of Rs.50,000/- (Rupees fifty thousand only) with accrued interest and costs of determined at by the Tribunal, within a period of six weeks from date of receipt of a copy of this judgment, after adjusting the amount, if any, already deposited;

(iii) That on such deposit being made Claimants/appellants 1,3 and 4 herein be and hereby are permitted to withdraw the amount awarded as apportioned by the tribunal by filing proper application before the Tribunal;

(iv) That the share of the Claimant/Minor Second Respondent herein be and hereby is directed to be deposited in any one of the Nationalized bank till attains majority;

(v) That the first respondent herein/ mother of the 2nd respondent herein be and hereby is permitted to withdraw the accrued interest once in three months;

(vi) That there shall be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Erode.

2.The Section Officer,
V.R.Section, Madras High Court,
Chennai.

+1cc to M/s.Mr.Manokaran, Advocate, S.R.No.24222

DATED: 20/04/2021

DECREE

C.M.A.No.375 of 2007

 Dismissing the Civil
Miscellaneous appeal preferred
against the award passed by
the Motor Accidents Claims
Tribunal, Chief Judicial
Magistrate Court, Erode made
in MCOP.No.468 of 2002 dated
21.04.2006 etc., as stated
within.

AK-I(CO)
SB(01/11/2021)