

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A. NO.1141 OF 2016

Royal Sundaram Alliance Insurance Company Limited,
Subramaniam Building, 3rd Floor,
No.1, Club House Road,
Chennai-600 002. ..Appellant/2nd Respondent

Versus

- 1.Kancherla Ratna Madhuri
W/o.Late Veera Sesha Sai
- 2.Kancherla Veera Raghava Sujan
S/o.Late Veera Sesha Sai
- 3.Kancherla Veera Satya Tejas
S/o.Veera Sesha Sai
(Minors/Respondents 2 and 3 are rep.
by their mother Kancherla Ratna Madhuri,
the 1st respondent herein)
- 4.Kancherla Raghava
W/o.Bhaskara Rao ..Respondents1 to 4/ Petitioners
- 5.Grandhi Suresh ..5th Respondent/1st Respondent

Prayer:Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 22.12.2015 in M.C.O.P. No.2 of 2014 on the file of the Motor Accidents Claims Tribunal,Sub-Court, Yanam.

Decree:This Civil Miscellaneous Appeal coming on for hearing on Thursday the Twenty Fifth day of February, 2021 and upon perusing the Grounds of Appeal, the order of the Lower court and the material papers in the case and upon hearing the arguments of Mrs.Elveera Ravindran, and Mr.K.Vinod,Advocate for the Appellant and of Mr.M.Ravi,Advocate for the respondents1 to 4 and Fifth Respondent having remained exparte before the Tribunal and 50% of the award amount having been deposited into Court as per the order of this Court dated 06.06.2016 Memo No. SR.5867 dated dated 20.07.2016, this court doth order and decree as follows:

i)that the award passed by the Presiding officer, Motor Accidents Claims Tribunal, Sub-Court, Yanam dated 22.12.2015 in M.C.O.P. No.2 of 2014 be and hereby confirmed and the Civil Miscellaneous Appeal is dismissed;

ii)that the Appellant herein/Insurance Company be and hereby do deposit the entire compensation awarded by the Tribunal in MCOP.NO.2 of 2014 with accrued interest and costs if not already deposited within a period of six weeks from the date of receipt of a copy this judgment.

iii)that on such deposit being made, the First and Fourth claimants are permitted to withdraw their share as has been apportioned by the Tribunal.

iv)that the award amount of the minor respondents 2 and 3 be and hereby are directed to be deposited in any one of the Nationalized Bank, till they attain majority.

v)that the First Respondent/first claimant, being the mother of the minor respondents 2 and 3 is permitted to withdraw the accrued interest once in every three months for the welfare of the minor respondents.

vi)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Judge,
Motor Accidents Claims Tribunal,
Yanam.

Copy to:

The Section Officer,
V.R.Section,
High Court of Madras.

+1 ccs to Mrs. Elveera Ravindran, Advocate Sr.NO. 11675

DATED:25.02.2021
DECREE
CMA No.1141/2016

Allowing the Civil Miscellaneous Appeal preferred against the award dated 22.12.2015 in M.C.O.P. No.2 of 2014 on the file of the Motor Accidents Claims Tribunal, Sub-Court, Yanam etc as stated within.

PM(CO)
A.SK(09.11.2021)