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IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.1259 of 2016

M/s. Reliance General Insurance Company Limited,
Sony Building, II floor,
Harida Tower, No.963,
Avinashi Road, Coimbatore ... Appellant/2nd Respondent

Vs

1.Chinnaponnu
2.Yuvarani
3.Damodarakannan
4.Gopalakannan (Minor)
5.Gomathy (Minor)
Respondents 4 & 5 minors
rep. by mother & next friend
1st respondent)

..Respondents 1 to 5/Clamants

6.K.Murugan
7.Subramani ... 6th & 7th Respondents/ Respondents1 & 3

PRAYER: Civil Miscellaneous Appeal against the Judgment and decree of the Motor Accident Claims Tribunal, Special District Court, Salem dated 21.01.2016 in MCOP.No.527 of 2012.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal , the order of the Lower court and the material records available in the case and upon hearing the arguments of Mr.Mr.E.Rajadurai, for Mr.N.Vijayaraghavan ,Advocate for the Appellants and of Mr.Manojin for Mr.L.Chandrakumar, Advocate for the respondents 1 to 5 and 7th Respondent Not appearing either in person or by an Advocate wherein the Appellant/Insurance Company having deposited the entire award amount as per the directions of this Court in CMP.NO.9604/2016 in CMA.NO.1259/2016 dated 27.06.2016 and this court partly modifying the award of the Tribunal, doth order and decree as follows:



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i)that the total compensation amount awarded by the Motor Accident Claims Tribunal, Special District Court, Salem dated 21.01.2016 in MCOP.No.527 of 2012 be and hereby is redetermined on Rs.3,56,166/-(Rs.Three Lakhs Fifty Six Thousand One Hundred and Sixty Six Only) payable to the Respondents 1 to 5/Claimants/ Petitioners 1 to 5.

ii)that the Appellant/2nd Respondent/Insurance Company/ Shall be permitted to withdraw the excess amount deposited by them before the Tribunal by filing appropriate application.

iii)that the Tribunal shall transfer the respective shares of modified award amount as per the ratio of apportionment made by the tribunal, together with accrued interest to the bank account of the respondents 1 to 3/claimants 1 to 3 through RTGS within a period of one week from the date of receipt of a copy of this Judgment.

iv)that share of minor respondents 4 & 5/Claimants 4 & 5, shall be deposited in interest bearing fixed deposit in any one of the Nationalised Banks till they attain the age of majority.

v)that the 1st Respondent/mother of the minor respondents 4 & 5 shall be permitted to withdraw the interest accrued once in six months for the welfare of the minors.

vi)that it is open for the minor respondents 4 & 5/Claimants 4 & 5 to file a formal petition to declare them as major on attaining the age of majority.

vii)That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(TNMCC)

//True Copy//

Sub Assistant Registrar

To

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

Copy to:

The Section Officer,
VR Section,
High Court,Madras

+1 cc to Mr.L.Chandrasekaran, Advocate Sr.NO. 41818



Allowing the appeal in part and modification of the decree passed by the Motor Accident Claims Tribunal, Special District Court, Salem dated 21.01.2016 in MCOP.No.527 of 2012 etc as stated within.

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