

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.228 of 2013 &
CMA.No.855 of 2014

1.V.Jamunarani

2.Minor V.Srimathi

3.Minor V.Srilekha

4.Minor V.Abiraj

(A2 to A4 represented by Next
Friend & Natural Guardian 1st Appellant)

5.S.Boopathiammal

... Appellants/Petitioner

1 to 5 in CMA.855 of 2014/

Respondents 1 to 5 in CMA.228 of 2013

VS

1.Mr.M.R.Govindan

... 1st Respondent in CMA.855 of 2014/

6th Respondent in CMA.228 of 2013

2.ICICI Lombard General Insurance Company Limited,

Mumbai 400 034.

... 2nd Respondent in CMA.855 of 2014 /

Appellant in CMA.228 of 2013

3.M.Kandan

... 3rd Respondent in CMA.855 of 2014/

7th Respondent in CMA.228 of 2013

4. United India Insurance Company Ltd.,

No.9, Shanmugam Road, Tambaram West,

Chennai - 600 045.

... 4th Respondent in CMA.N.855 of 2014/

8th Respondent in CMA.228 of 2013

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Chengalpattu, made in MCOP.No.426 of 2006, dated 28.06.2011.

DECREE:These Civil Miscellaneous Appeals coming on for hearing on this day, and upon perusing the grounds of Appeal, the Judgment and Decree of the Lower court, and the records in the

case and upon hearing the arguments of Mr.Amar D.Pandiya, Advocate for Mr.P.Natarajan, Advocate for the Claimants and of Mrs.R.Srividhya, Advocate for the ICICI Insurance Company, Mr.D.Baskar, Advocate for the United India Insurance Company and the first and third respondent owner of the vehicle remained exparte before the Tribunal and this Court doth order and decree as follows:-

i)That the Order and Decree of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Chengalpattu, made in MCOP.No.426 of 2006, dated 28.06.2011, do stand is confirmed and these Civil Miscellaneous Appeals are dismissed.

ii)that the Insurance Companies are directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this order.

iii)that on such deposit being made, the Claimants 1st and 5th Respondents are permitted to withdraw their respective share award amount on the basis of apportionment fixed by the Tribunal, along with interest and costs, less the amount if any, already withdrawn.

iv)That the share of the minor 2nd, 3rd & 4th respondents shall directed to be deposited in a fixed deposit in a nationalized Bank as directed by the Tribunal, and the accrued interest shall be withdrawn as directed by the Tribunal.

iv)That there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
Principal Subordinate Court, Chengalpattu.
2. The Section Officer,
VR Section, High Court,
Madras.

+2cc to Mr.P.Natarajan, Advocate SR.No.52691 & 52892

DATED:07/10/2021

DECREE:

CMA.NO.228 of 2013
and
CMA.No.855 of 2014

 Dismissing this Civil
Miscellaneous Appeal preferred
against the Judgment and Decree
of the Motor Accident Claims
Tribunal, Principal Subordinate
Judge, Chengalpattu, made in
MCOP.No.426 of 2006, dated
28.06.2011 etc., as stated within
- No Costs.

CNR(CO)
GN(12/01/2022)