

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE EIGHTEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1874 of 2020

The Divisional Manager,  
The New India Assurance Company Limited,  
Vellore. ... Appellant/2<sup>nd</sup> Respondent

Vs.

1.Shabeeha Banu  
2.Minor. Mohamed Shayaed

(Minor 2<sup>nd</sup> respondent represented by his Next Friend &  
Guardian Mother Shabeeha Banu, 1<sup>st</sup> respondent herein)

3.Noorjagan ... Respondents 1 to 3/Petitioners/  
Claimants 1 to 3

4.A.Irfan ... 4<sup>th</sup> Respondent/1<sup>st</sup> Respondent

Prayer:Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 16.12.2019 made in M.C.O.P No.356 of 2016 on the file of Motor Accidents Claims Tribunal/III Additional District Court, Vellore at Tirupattur.

DECREE:This Civil Miscellaneous Appeal coming on for orders as to admission on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Ms.A.Salomi for Mr.C.Ramesh Babu, Advocate for the Appellant and 4<sup>th</sup> Respondent having set exparte in lower Court itself this Court while filing the liability on the 4<sup>th</sup> Respondent doth order and decree as follows;

i)that the compensation award and decree dated 16.12.2019 made in MCOP No.356/2016 on the file of the Motor Accidents Claims Tribunal/III Additional District Court, at Tirupattur be and hereby are confirmed and this Civil Miscellaneous Appeal is dismissed;

ii)that the Appellant herein/Insurance Company is directed to deposit the award amount of Rs.19,14,400/- (Rupees Nineteen Lakhs Fourteen Thousand and Four Hundred only) along with interest and costs, less the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.356 of 2016 on the file of the Motor Accident Claims Tribunal, III Additional District Court, Vellore at Tirupattur at the first instance and recover the same from the 4<sup>th</sup> respondent;

iii)that on such deposit, being made the respondents 1 and 3 are permitted to withdraw their respective share of the award amount as per the ratio of apportionment apportioned by the Tribunal along with proportionate interest and costs less the amount if any already withdrawn by making necessary applications before the Tribunal;

v)that the share of the minors 2<sup>nd</sup> Respondent shall be deposited in any of of the Nationalised Bank, till he attains majority, and the 1<sup>st</sup> Respondent/Mother of the Minor 2<sup>nd</sup> Respondent is permitted to withdraw the accrued interest once in three months;

v)that there be no order as to costs in this Civil Miscellaneous Appeal;

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

krk

To

The III Additional District Judge,  
Motor Accidents Claims Tribunal,  
Tirupattur,  
Vellore.

+1cc to Mr.C.Ramesh Babu, Advocate Sr.17412

Dated:18/03/2021

DECREE

C.M.A.No.1874 of 2020

Dismissing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 18/03/2021 made in MCOP No.356 of 2016 on the file of the Motor Accidents Claims Tribunal/III Additional District Court, Vellore at Tirupattur etc., as stated therein.

srg 12/11/2021