

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE TMT.JUSTICE S.KANNAMMAL

C.M.A.No.2084 of 2018

1.Suganthi
2.Minor Chandrabose
(Minor rep. By mother Suganthi)
3.Anjiyammal
4.Shanmugam .. Appellants / Petitioners

Vs.

1.Rambai
2.The Divisional Manager,
The Oriental Insurance Company Limited,
No.1, Katpadi Salai,
Vellore. .. Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and Decree dated 06.02.2013, made in M.C.O.P. No.296 of 2000 on the file of Motor Accidents Claims Tribunal/Principal Sub Court, Thiruvannamalai.

DECREE : This Civil Miscellaneous Appeal coming on for hearing on Tuesday, Sixth day of July, Twenty twenty one, 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 Mrs.A.Subadra for M/s.M.Malar, Advocate for the Appellants and of Mr.R.Sivakumar, Advocate for the Respondent 2 and having stood over for consideration till this day, this Court doth order and decree as follows:

1.that the compensation award and Decree dated 06.02.2013 made in M.C.O.P. No.296 of 2000 on the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Thiruvannamalai be and

hereby is confirmed and this Civil Miscellaneous Appeal is dismissed;

- 2.that the Appellants/Petitioners in MCOP No.296/2000 be and hereby is directed to file necessary petition before the Tribunal to implead the legal heirs of the deceased 1st respondent.
- 3.That the legal heirs of the deceased first respondent be and hereby is directed to deposit the award amount along with 7.5% interest and costs from the date of petition till the date of deposit, excluding the period from 05.01.2016 to 03.08.2012 and less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.296 of 2000 on the file of the Principal Sub Court, (Motor Accidents Claims Tribunal), Thiruvannamalai.
- 4.That on such deposit, the appellants 1,3 and 4 in C.M.A.No.2084 of 2018/Petitioner in MCOP No.296/2000 be and hereby are permitted to withdraw their share at the award amount, determined by the Tribunal, along with proportionate interest and costs, as per the ratio of apportionment fixed by the Tribunal, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal. The share of the minor 2nd appellant be and hereby is directed to be deposited in any one of the Nationalized Bank, till the minor attains majority. The 1st appellant, mother of the minor 2nd appellant be and hereby is permitted to withdraw the accrued interest, once in three months for the welfare of the minor 2nd appellant.
- 5.That the appeal is dismissed against the 2nd Respondent.
- 6.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (TNMCC)

//True Copy//

Sub Assistant Registrar

gsa

To

The Motor Accident Claims Tribunal/
The Principal Subordinate Judge,
Thiruvannamalai.

Copy to:

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

+1CC to Mr.M.Malar, Advocate, Sr.No.36978

+1CC to Mr.R.Sivakumar, Advocate, Sr.No.36790

Dated : 30.07.2021

DECREE :

C.M.A.No.2084 of 2018

Dismissing the Civil Miscellaneous
Appeal preferred against the
Judgment and Decree dated
06.02.2013 made in M.C.O.P.No.296
of 2000 on the file of the Motor
Accidents Claims Tribunal/Principal
Sub Court, Thiruvannamalai, etc.,
as stated therein.

PP (CO)

K.RK. (24.11.2021)