

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.4227 of 2019

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Branch Manager,
United India Insurance Company Limited,
No.171/2, R.K.S. Complex, Nehruji Road,
Villupuram.

...Appellant/3rd Respondent

Vs.

1.Lakshmanan

2.Minor. Vijay

3.Minor. Vignesh

4.Minor. Vishnu

(Minor respondents 2 to 4 are represented by their
Guardian, Lakshmanan, 1st respondent herein)

5.Asalambal

6.Nagamuthu

... Respondent 1 to 6/Petitioners

7.The Managing Director,
Tamil Nadu State Transport Corporation,
Salamedu, Villupuram District.

8.Shanmugavelu

.. Respondent 7 & 8/Respondent 1 & 2

Common Prayer: This Civil Miscellaneous Appeals is filed under
Section 173 of the Motor Vehicles Act, 1988, against the common
Judgment and Decree dated 28.08.2018 made in M.C.O.P.No.84 of
2017 on the file of the Motor Accident Claims Tribunal, The
Special District Court, Villupuram.

DECREE : This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the Grounds of Appeal, the order and decree of the Court below and the material papers in the case and upon hearing the argument of Mr.S.Arunkumar, Advocate for the appellant and on behalf of Mr.V.S.Sivasundaram, Advocate for the respondents 1 to 6 and Mr.K.J.Sivakumar, Advocate for the 7th respondent and wherein 8th respondent having set exparte in Lower Court itself and while dismissing this appeal, this Court doth order and decree as follows:

- 1.that the compensation award and decree dated 28.08.2018 made in MCOP No.84 of 2017 on the file of the Motor Accident Claims Tribunal, the Special District Court, Villupuram be and hereby is confirmed and this Civil Miscellaneous Appeal is dismissed.
- 2.That the appellant herein/Insurance Company and Transport Corporation/7th Respondent be and hereby are directed to deposit 50% each of award amount together with proportionate 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.84 of 2017 on the file of the Motor Accident Claims Tribunal, The Special District Court, Villupuram.
- 3.That on such deposit being made the respondents 1,5 & 6 be and hereby are permitted to withdraw their respective share of the award amount as per the ratio of apportionment fixed by the Tribunal along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal.
- 4.That the share of the minor respondents 2 to 4/2 to 4 petitioners shall be deposited in any one of the Nationalized Banks in the interest bearing fixed deposit, till they attain majority.
- 5.That the first respondent be and hereby is permitted to withdraw the accrued interest once in three months for the welfare of the minor respondents 2 to 4.
- 6.That there be no costs in this Civil Miscellaneous Appeal

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

krk

To

The Special District Judge,
Motor Accident Claims Tribunal,
Villupuram.

Copy to:

The Section Officer,
VR Section,
High Court,
Madras.

+1CC to Mr.S.Arunkumar, Advocate, Sr.No.19969

+2CCs to Mr.V.S.Sivasundaram, Advocate, Sr.Nos.19999, 20000

+1CC to Mr.K.J.Sivakumar, Advocate, Sr.No.20014

Dated : 26.03.2021

DECREE :

C.M.A.No.4222 of 2019

While dismissing this Civil Miscellaneous Appeal preferred against the order and decree of the Motor Accident Claims Tribunal, The Special District Court, Villupuram, made in MCOP No.84 of 2017, dated 28.08.2018 etc., as stated within-No costs.

SRA (CO)

K.RK. (22.11.2021)