

IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.M.A.No.3539 of 2014

New India Assurance Co.Ltd.,
Kumaran Shopping Complex,
Kumaran Road, Tiruppur

... Appellant/ 3rd Respondent

Versus

1.Ponny

2.Minor Senkuttuvan

3.Minor Kesavaraj

4.Kandasamy

5.Veerammal

(Minors 2 & 3 rep. by its mother & Guardian

1st respondent) ..Respondents 1 to 5 / Petitioners 1 to 5

6.R.Arunthathi

7.National Insurance Co. Ltd.,

Branch Office,

81-D, Chetty Street,

Opp. Bus Stand,

Tiruchengode - 637 211

8.R.Thilagam

9.Minor R.Keerthana

10.V.Subramaniam

11.Kuppammal

(Minor rep. by her mother & NF

8th respondent)

(respondent 6 & 8 to 11 ex parte in Lower Court and

hence Notice may be dispensed with) ..Respondents 6 to 11 /

Respondents 1,2 and 4 to 7

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree in MCOP.No.473 of 2002 dated 21.04.2006 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court,

Erode.

DECREE: This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal , the judgment and decree of the Lower Court and the material papers in this case and upon hearing the arguments of Mr.E.Rajadurai for Mr.N.Vijayaraghavan, Advocate for the Appellant and the Respondents 6,8 to 11 having been set an exparte and regarding Respondents 1 to 5,7 not ready in notice this Court doth order and decree as follows:

(i) That the award of the motor accidents claims tribunal, Chief Judicial Magistrate Court, Erode and made in MCOP.No.473 of 2002 dated 21.04.2006 be and hereby is confirmed and the Civil Miscellaneous appeal is dismissed;

(ii) That the appellant / Insurance company be and hereby is directed to deposit the total compensation of Rs.4,44,000/- (Rupees Fourt lakhs fourty four thousand only) with accrued interest and costs of determined at by the Tribunal, within a period of six weeks from date of receipt of a copy of this judgment, after adjusting the amount, if any, already deposited;

(iii) That on such deposit being made Claimants/Respondents 1,4 and 5 herein be and hereby are permitted to withdraw the amount awarded as apportioned by the tribunal by filing proper application before the Tribunal;

(iv) That the share of the Claimant/Minor Respondents 2 and 3 herein be and hereby are directed to be deposited in any one of the Nationalized bank till she attaining majority;

(v) That the first respondent herein/ mother of the respondents 2 and 3 herein be and hereby is permitted to withdraw the accrued interest once in three months;

(vi) That there Shall be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

lok

To

1.The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Erode.

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

+1cc to M/s.Mr.Manokaran, Advocate, S.R.No.24221

DATED: 20/04/2021

DECREE

C.M.A.No.3539 of 2014

 Dismissing the Civil
Miscellaneous appeal preferred
against the award passed by
the Motor Accidents Claims
Tribunal, Chief Judicial
Magistrate Court, Erode made
in MCOP.No.473 of 2002 dated
21.04.2006 etc., as stated
within.

AK-I(CO)
SB(01/11/2021)