



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twenty First day of January Two Thousand and Twenty One
PRESENT

The Hon'ble Mr. Justice G. ILANGO VAN

CMA(MD). No.128 of 2011

WEB COPY

UNITED INDIA INSURANCE CO., LTD
81-C W.G.C. ROAD TUTICORIN.

... Appellant/2nd respondent

Vs

1 JOSEPHINE THANGARATHI

2 MINOR JOHN ABRAHAM

3 MINOR ROBERT VIMALRAJ

4 MINOR JOHNCY MERY

5 MINOR ANTONY SAVARIMUTHU

6 JOSEPH NADAR

7 MARIA CHANDRA

(Minor respondents 2 to 5 are represented
by their mother & guardian, 1st respondent)

... Respondents 1 to 7/Petitioners 1 to 7

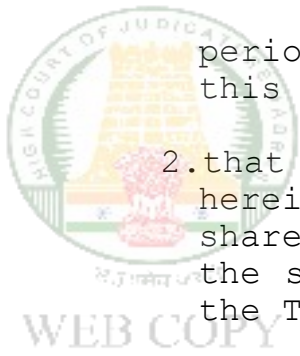
8 B.ARUMUGAM

... 8th Respondent/1st Respondent

Prayer :-This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgement and decree dated 24.06.2010, in MCOP No.138 of 2008 on the file of the Motor Accident Claims Tribunal, (Principal District Judge) Thoothukudi.

Decree:-This Civil Miscellaneous Appeal coming on for hearing on Wednesday, the Twenty Third day of December Two Thousand and Twenty, upon perusing the grounds of Appeal, the Award of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.N.Sivakumar Advocate for the Appellant and of Mrs.Jessi Jeeva Priya Advocate for Mr.G.Aravinthan Advocate for the Respondents 1 to 7 and of Mr.S.Mahalingam Advocate for the 8th respondent and having stood over for consideration till this day this Court while allowing this Appeal in Part, doth and decree as follows.

1.that the appellant herein/Insurance Company be and hereby is directed to deposit the entire award amount with accrued interest and cost on behalf of the 8th respondent herein and recover the same from him through EP proceedings within a



period of two months from the date of receipt of a copy of this order;

2.that on such deposit being made, the respondents 1 to 7 herein/claimants be and hereby are permitted to withdraw their share amount as apportioned by the Tribunal immediately and the share amount of the minor must be deposited as ordered by the Tribunal till they attain majority; and

3. that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Principal District Judge,
Motor Accident Claims Tribunal,
Thoothukudi.

Copy to:

The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 21/01/2021

=====
DECREE
=====

CMA(MD). No.128 of 2011

Partly Allowing the CMA(MD). No.128 of 2011 preferred against the judgment and decree dated 24.06.2010, in MCOP No.138 of 2008 on the file of the Motor Accident Claims Tribunal, (Principal District Judge) Thoothukudi etc. as stated within.

VB (15.02.2021) 2P 4C