

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of January Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CMA(MD) . No.1483 of 2010

THE NEW INDIA ASSURANCE COMPANY LTD.,
II FLOOR, ROSSARY BUILDINGS,
54/66A, TOWN HALL ROAD, MADURAI - 625 001.

... Appellant/2nd Respondent

Vs

1 R.VELIVIZHI
W/O.LATE. RAJESH,

2 MINOR.JEYASUDHA
D/O.LATE. RAJESH,

3 MINOR JEYASRI
D/O.LATE. RAJESH,
(MINORS 2 & 3 ARE REPRESENTED THROUGH THEIR MOTHER AND NEXT
FRIEND R1) .

4 S.BOSE
S/O.SUNDARRAJUTHEVAR,

5 MEENA
W/O.BOSE,

... Respondents 1 to 5/Petitioners

Respondents 1 to 5 are residing at
7TH PUDUMETTU STREET, BYECARA,
MUTHURAMALINGAPURAM, MADURAI - 625 004.

6 V.PARAMASIVAM
S/O.VEERAPPAN,
PLOT NO.8, MAHATMA GANDHIJI
STREET, BALAJI NAGAR, THIRUPPARANKUNDRAM,,
MADURAI - 625 005.

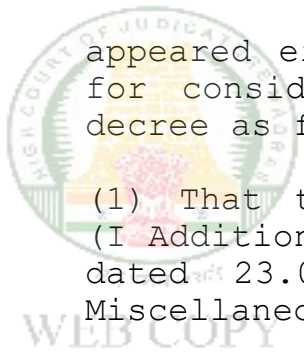
... 6th Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award and decree dated 23.04.2010 made in M.C.O.P. No. 1639/2008 on the file of the Motor Accident Claims Tribunal(I Additional District Court), Madurai.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this Wednesday, the Twenty third day of December Two Thousand and Twenty, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR. SANKAR FOR MR.B.VIJAY KARTHIKAYAN, Advocate for the Appellant and of MR. PRABHU FOR MR.M.ALAGAPPAN, Advocate for the 6th respondent and the respondents 1 to 5 are not



appeared either in person or by an advocate and having stood over for consideration for till this day, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal (I Additional District Court), Madurai in M.C.O.P. No. 1639 of 2008, dated 23.04.2010, be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

(2) That the Appellant herein/Insurance Company be and hereby is directed to deposit the award amount along with interest at the rate of 7.5% p.a from the date of petition till the date of deposit and cost within a period of two months from the date of receipt of copy of the judgment, if not already deposited;

(3) That on such deposit being made, the respondents 1, 4 and 5 herein /major claimants be and hereby are permitted to withdraw the entire amount after deducting amount, if any, already received by them;

(4) That the shares of the respondents 2 and 3 herein/ minor claimants, shall be deposited in a Nationalised Banks in fixed deposit till the minor claimants attains majority;

(5) That interest accruing on such deposit be and hereby is permitted to withdrawn by the first respondent herein, who is the mother of the minors, once in three months directly from the bank; and

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
I ADDITIONAL DISTRICT JUDGE,
MADURAI.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-1534 dated 21/01/2021)



WEB COPY

ORDER DATED : 20/01/2021

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DECREE

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CMA(MD) . No.1483 of 2010

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the award and decree dated 23.04.2010 made in M.C.O.P. No. 1639/2008 on the file of the Motor Accident Claims Tribunal(I Additional District Court), Madurai.etc as stated within.

KB(11.02.2021) 3P 5C