



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

Thursday, the Eighteenth day of February Two Thousand and Twenty One
PRESENT:

The Hon'ble Mrs. Justice PUSHPA SATHYANARAYANA
AND

The Hon'ble Mrs. Justice S.KANNAMMAL

CMA(MD)No.1561 of 2013

- 1.M.VINCENT
- 2.MINOR VIBIN PONRAJ
- 3.MINOR JERUSHA VINCENT
- 4.DAISY JOHN

... Appellants/Claimants.

Vs

1. PARIVALLAL
2. ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.,
REP. BY ITS BRANCH MANAGER,
JENNITH HOUSE, KRISHNARAO KHADE MARG,
MAHALAKSHMI, MUMBAI.

... Respondents/Respondents.

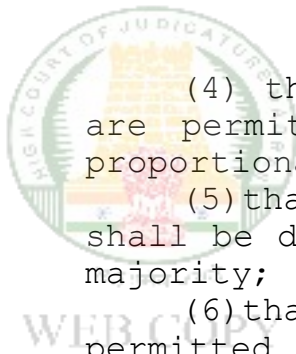
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 28.03.2013 made in M.C.O.P.No. 515 of 2010 on the file of the Motor Accident Claims Tribunal-cum-III Additional District and Sessions Court, Tirunelveli.

DECREE:- This Civil Miscellaneous Appeal is coming on for hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material records of the case and upon hearing the arguments of MR.I.VELPRADEEP, Advocate for the Appellants and of MR.K.K.RAMAKRISHNAN, Advocate for the Second Respondent and none appeared either in person or by and Advocate for the first respondent, this Court while allowing the appeal in part, doth order and decree as follows:-

(1) that the award passed by the Motor Accident Claims Tribunal-cum-III Additional District and Sessions Court, Tirunelveli, dated 28.03.2013 in M.C.O.P.No. 515 of 2010 be and hereby is enhanced from Rs.38,60,000/- to Rs.48,21,000/- (Rupees forty eight lakhs and twenty one thousand only).

(2) that, the interest @ 8% p.a. awarded by the Tribunal be and hereby is confirmed and the award amount is apportioned as per the ratio of apportionment made by the Tribunal below;

(3) that the second Respondent/Insurance Company be and hereby is directed to deposit the enhanced award amount together with accrued interest and costs to the credit of claim petition, less the amount already deposited, if any, within a period of 6 weeks from the date of receipt of copy of this Order;



(4) that the appellants 1 and 4/Claimants 1 and 4 be and hereby are permitted to withdraw their share in the award amount with proportionate accrued interest and costs;

(5) that, the shares of the minor claimants/appellants 2 and 3 shall be deposited in any of the Nationalised Bank till they attain majority;

(6) that the guardian/first respondent be and hereby is permitted to withdraw the interest amount once in three months and utilize the same for the welfare of the minor children; and

(7) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal-cum-
III Additional District and Sessions Court, Tirunelveli

Copy to: The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)

+1 CC to M/s.D.RAJ KUMAR, Advocate (SR-6120 dated 19/02/2021)

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-6213 dated 19/02/2021)

ORDER DATED : 18/02/2021

=====
DECREE
=====

CMA(MD) No.1561 of 2013

Allowing the Civil
Miscellaneous Appeal
in part preferred against the
award dated 28.03.2013 made in
M.C.O.P.No. 515 of 2010 on the
file of the Motor Accident
Claims Tribunal-cum-III Additional
District and Sessions Court,
Tirunelveli and etc., as stated
within.