



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

Friday, the Fifth day of March Two Thousand Twenty One

PRESENT

WEB COPY

The Hon`ble Mrs.Justice PUSHPA SATHYANARAYANA
AND

The Hon`ble Mrs.Justice S.KANNAMMAL

CMA(MD). No.147 of 2020

The New India Assurance Company Limited,
Rep.by its Divisional Manager ,
Divisional Office No.3 161-A East Velli ,
Street Madurai-625001. ...Appellant/2nd /Respondent

Vs

1.S.Selvi,
2.Minor S.Varsion,
3.G.Sakthivel,
4.S.Chinnathal ...Respondents 1 to 4/ Petitioners 1 to 4
5.K.Palanichamy ...5th Respondent/ 1st Respondent
(R2 in rep by his mother/first Respondent)

Prayer:-

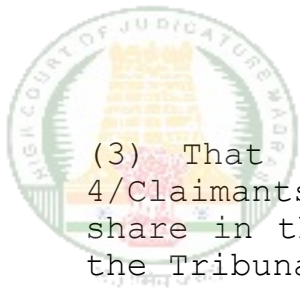
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Judgment and Decree dated 23.09.2019 made in M.C.O.P.No.79 of 2017 on the file of the Motor Accidents Claims Tribunal/Additional District Court, Palani.

DECREE :-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the Grounds of Appeal, the Judgment and Decree Motor Accidents Claims Tribunal/Additional District Court, Palani and the material papers to the Appeal and upon hearing the arguments of M/s.D.Sivaraman, Advocate for the Appellant and of M/s.D.Venkatesh Advocate for the Respondents 1 to 4, this Court, doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Additional District Court, Palani made in M.C.O.P.No.79 of 2017 dated 23.09.2019 be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the 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 six weeks from the date of receipt of copy of this order.



(3) That on such deposit being made, the Respondents 1,3 and 4/Claimants 1,3 and 4 be and are hereby permitted to withdraw their share in the award amount as per the ratio of apportionment made by the Tribunal together with proportionate accrued interest and cost.

(4) That the share of the minor Claimant/Second Respondent is permitted to be kept in any one of the Nationalised Bank in interest bearing fixed deposits, initially for a period of three years, renewable thereafter, till he attains majority.

(5) That 1st Respondent/1st Claimant, the Guardian of the minor be and hereby permitted to withdraw the interest amount from the above said fixed deposit, once in three months and utilize the same for the welfare of the minor child.

(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 Accidents Claims Tribunal/Additional District Court,
Palani, Dindigul District.

Copy to:

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

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-9444 dated 08/03/2021)

ORDER DATED : 05/03/2021

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DECREE

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CMA(MD) . No.147 of 2020

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the Judgment and Decree of the Motor Accident Claims Tribunal, Additional District Court, Palani dated 23.09.2019 made in MCOP No.79 of 2017 and giving directions etc. stated therein.

ES (CO)

TR(30.03.2021) 2P 5C

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