



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

**Wednesday, the Twenty Fourth day of November Two Thousand Twenty One
PRESENT**

**THE HON`BLE MRS.JUSTICE S.ANANTHI
CMA(MD) . No.685 of 2013**

WEB COPY

NATIONAL INSURANCE COMPANY LIMITED
REPRESENTED BY ITS BRANCH MANAGER,
GANESH COMPLEX,
1754-1756,
MANOJIAPPA STREET,
THANJAVUR.

... Appellant/2nd Respondent

Vs

1.SATHURAGIRI
2.MINOR MAHALAKSHMI
(REPRESENTED BY MOTHER/ 1ST RESPONDENT)

3.KARUPPA THEVAR

..Respondents 1 to 3/
Petitioners 1 to 3

4.P.BALAMURUGAN

5.AMSAVALLI

... Respondents 4& 5/
Respondents 1 & 3

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accidents Claims Tribunal /Sub Judge, Aruppukottai dated 03/04/2008 made in M.C.O.P.No.152 of 2006.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, 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.K.L.MUNIYARASU, Advocate for the Appellant and of MrM.SARAVANAKUMAR, Advocate for the respondents one and two, this Court while allowing the appeal in part doth order and decree as follows:-

(1) That the quantum of compensation awarded by the Tribunal be and hereby is confirmed and 10% contributory negligence is fixed on the part of the rider and pillion riders of the two wheeler.



(2) That the respondents 1 and 3 herein be and hereby are at liberty to withdraw 90% of the award amount in the apportionment fixed by the Tribunal along with proportionate interest and costs after following due process of law.

WEB COPY (3) That the share of the minor second respondent shall be deposited in any one of the nationalized Banks till she attains majority.

(4) That the first respondent /mother of the minor second respondent be and hereby is permitted to withdraw the interest from the above said deposit one in three months directly from the bank and utilize the same for the welfare of the child.

(5) That the appellant/Insurance Company be and hereby is at liberty to withdraw the excess 10% of the award amount deposited by them on the file of the Motor Accidents Claims Tribunal /Sub Judge, Aruppukottai, together with proportionate interest and costs after following due process of law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Sub Judge,
Motor Accident Claims Tribunal,
Aruppukottai

Copy to:

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

+1 CC to M/s. R.SRINIVASAN, Advocate (SR-36138 dated 26/11/2021)

+1 CC to M/s. M.SARAVANAKUMAR, Advocate (SR-35796 dated 25/11/2021)



WEB COPY

CMA(MD). No.685 of 2013

ORDER DATED : 24/11/2021

DECREE

CMA(MD). No.685 of 2013

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the judgment and decree of the Motor Accidents Claims Tribunal / Sub Judge, Aruppukottai dated 03/04/2008 made in M.C.O.P.No.152 of 2006.

KM(CO)
GC(05.01.2022) 3P 6C