



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

Thursday, the Ninth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.825 of 2013

1. B.Poongodi

2. Minor Naveen

S/o.Late T.balaji

(Rep by mother and natural guardian
and next friend B.Poongodi)

18, Sengunthar Main Road,
Karur

... Appellants / Claimants

.Vs.

1 R.SRINIVASAN,

2 M/S.NEW INDIA ASSURANCE CO.LTD

BRANCH OFFICE, REP.BY ITS MANAGER, NO.66,,
WEST BOULIWARD RD, TRICHY-08.

(R1 SET EXPARTE BY THE TRIBUNAL) ..1st & 2nd Respondents /
Respondents

3 P.Megala

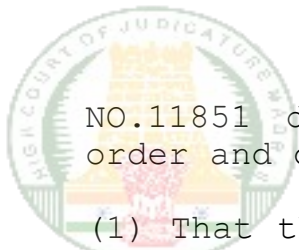
(1st Respondent set exparte) ...3rd Respondent / 3rd Claimant

Prayer

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, District Court, Karur made in MCOP No.399 of 2011 dated 17.12.2012.

DECREE: -

This Civil Miscellaneous Appeal is having come up for final hearing on Thursday the Seventh day of October Two thousand and twenty One, 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.M.KARTHIKEYA VENKITACHALLAPATHY, Advocate for the Appellant and of Mr.J.S.MURALI, Advocate for the second respondent third respondent not appeared either in person or by an Advocate while modifying the award of the tribunal and allowing the appeal in part, and having stood over for consideration till this date, the appellant filed Additional Court Fee of Rs.700/- vide USR



NO.11851 dated 05.04.2023 before this Registry, this Court has made the following order and decree as follows:-

(1) That the award made in MCOP No.399 of 2011 dated 17.12.2012, on the file of the Motor Accident Claims Tribunal, District Judge, Karur be and is hereby enhanced from Rs.1,30,000/- to Rs.2,86,000/- (Rupees Two lakhs eighty six thousand only)

(2) That the Insurance Company be and hereby is directed to deposit the Rs.2,86,000/-, along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit with cost within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited.

(3) That on such deposit being made, the major claimants be and are hereby permitted to withdraw the respective shares as per the ratio of apportionment fixed by the Tribunal with proportionate interest and cost after deducting any amount received by them earlier.

(4) That the tribunal be and is hereby directed to deposit the share of the minor claimant, as per the ratio of apportionment fixed by the Tribunal with proportionate interest, in any one of the nationalised Banks, in a fixed deposit scheme, till he attains majority.

(5) That the mother and guardian of the minor claimant, is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of the minor.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

To

The District Judge,
Motor Accident Claims Tribunal,
Karur.

Copy to:

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

+1 CC to M/s.K.Balasubramani, Advocate in 37952 of 2022

+1 CC to M/s.J.S.Murali, Advocate in 38159 of 2023



WEB COPY

CMA(MD)



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ORDER DATED : 09/12/2021

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DECREE

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CMA (MD) . No.825 of 2013

Nature of Decree:- Partly
allowing
the Civil Miscellaneous
Appeal preferred against the
award of the Motor Accident
claims Tribunal, District
Judge, Karur made in MCOP
No.399 of 2011 dated
17.12.2012 and etc.,
as stated therein

KMK/ SI/(20.04.2023) 3P/ 6C



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

Thursday, the Ninth day of December Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.824 of 2013
and
CMA(MD). No.1715 of 2013

CMA(MD) No.824 of 2013

1. B.Poongodi
2. Minor Naveen
S/o.Late T.balaji
(Rep by mother and natural guardian
and next friend B.Poongodi) ...Appellants / Claimants

.Vs.

- 1 R.SRINIVASAN,
- 2 M/S.NEW INDIA ASSURANCE CO.LTD
BRANCH OFFICE, REP.BY ITS MANAGER, NO.66,,
WEST BOULIWARD RD, TRICHY-08.
(R1 SET EXPARTE BY THE TRIBUNAL) Respondents / Respondents

CMA(MD) No.1715 of 2013

M/S.NEW INDIA ASSURANCE CO.LTD
BRANCH OFFICE, REP.BY ITS MANAGER, NO.66,,
WEST BOULIWARD RD, TRICHY-08.
(R1 SET EXPARTE BY THE TRIBUNAL) ..Appellants / 2nd Respondents

..Vs..

1. B.Poongodi
2. Minor Naveen
S/o.Late T.balaji
(Rep by mother and natural guardian
and next friend B.Poongodi) ...1st & 2nd Respondents /
Petitioners



3 R.SRINIVASAN,

...3rd Respondent /
1st Respondent**Common Prayer**

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Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, District Court, Karur made in MCOP No.381 of 2011 dated 17.12.2012.

DECREE :-

These Civil Miscellaneous Appeals are having come up for final hearing on Thursday the Seventh day of October Two thousand and twenty one, 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.M.KARTHIKEYA VENKITACHALLAPATHY, Advocate for the Appellant in CMA(MD) No.824 of 2013 and first and second respondents in CMA(MD) No.1715 of 2013 and of Mr.J.S.MURALI, Advocate for the second respondent in CMA(MD) No.824 of 2013 and the Advocate for Appellant in CMA(MD) No.1715 of 2013, while modifying the award of the tribunal and allowing the appeal in part in CMA(MD) No.824 of 2013 and dismissing the CMA (MD) No.1715 of 2013, and having stood over for consideration till this date, this Court doth order and decree as follows:-

- (1) That the award made in MCOP No.381 of 2011 dated 17.12.2012, on the file of the Motor Accident Claims Tribunal, District Judge, Karur be and is hereby enhanced from Rs.26,44,995/- to Rs.27,58,000/- (Rupees Twenty seven lakhs fifty eight thousand only)
- (2) That the Insurance Company be and hereby is directed to deposit the Rs.27,58,000/-, along with interest at the rate of 7.5% p.a. From the date of petition till the date of deposit with cost within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited.
- (3) That on such deposit being made, the major claimants be and are hereby permitted to withdraw the respective shares as per the ratio of apportionment fixed by the Tribunal with proportionate interest and cost after deducting any amount received by them earlier.
- (4) That the tribunal be and is hereby directed to deposit the share of the minor claimant, as per the ratio of apportionment fixed by the Tribunal with proportionate interest, in any one of the nationalised Banks, in a fixed deposit scheme, till he attains majority.
- (5) That the mother and guardian of the minor claimant, is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of the minor.



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CMA(MD)



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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

To

The District Judge,
Motor Accident Claims Tribunal,
Karur.

Copy to:

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

+2 ccs to M/s.K.Balasubramani, Advocate in SR.37951 & 37952 of 2022

+2 Ccs to M/s.J.S.Murali, Advocate in SR.38158 & 38159 of 2023

ORDER DATED : 09/12/2021

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DECREE

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CMA(MD). No.824 of 2013

and

CMA(MD). No.1715 of 2013

Nature of Decree:- Disposing
the Civil Miscellaneous
Appeal preferred against the
award of the Motor Accident
claims Tribunal, District
Judge, Karur made in MCOP
No.381 of 2011 dated
17.12.2012 and etc., as
stated therein

KMK/ SI/(20.04.2023) 3P/ 8C