



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Tuesday, the Twenty First day of September Two Thousand and
Twenty One
PRESENT**

**The Hon`ble Mrs.Justice R.THARANI
CMA(MD)No.908 of 2013**

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THE BRANCH MANAGER
M/S.UNITED INDIA INSURANCE COMPANY LIMITED
ASSISI BUILDING,
P.W.D. OFFICE ROAD
NAGARCOIL,
KANYAKUMARI DISTRICT.

... APPELLANT/3RD RESPONDENT
Vs

1.SHEEJA THANGAM
2.MINOR LEGIN
3.MINOR LIBINA
(2ND AND 3RD RESPONDENTS ARE
REPRESENTED BY THEIR MOTHER
1ST RESPONDENT HEREIN)

... RESPONDENTS 1 TO 3/
CLAIMANTS

4.SAMUVEL RAJA SINGH

...4TH RESPONDENT/
1ST RESPONDENT

5.K.JEYAKUMAR THANA SINGH

...5TH RESPONDENT/
2ND RESPONDENT

Prayer :- This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and decree, dated 28.11.2011, made in M.A.C.T.O.P.No.36 of 2009 on the file of the Motor Accidents Claims Tribunal - II Additional Sub Court, Nagarcoil.

DECREE:- This Civil Miscellaneous Appeal coming on for hearing on Tuesday, Seventeenth Day of August 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 M/s.B.Rajesh Saravanan, Advocate for the Appellant, and of M/s.A.Balakrishnan, Advocate for the Respondents 1 to 3, and M/s.D.Nallathambi, Advocate for the Respondents 4 and 5, and having stood over for consideration till this day, while allowing this appeal, this Court doth order and decree as follows:-

i) that the findings of the Tribunal made in M.A.C.T.O.P.No.36 of 2009 dt.28.11.2011, on the file of the Motor Accidents Claims Tribunal - II Additional Sub Court, Nagarcoil, be and hereby is modified that the Insurance Company is exonerated from the liability;

ii) that the owner of the vehicle is liable to pay compensation to the claimants;

<https://hcservices.ecourts.gov.in/hcservices/>



iii)that the fifth respondent herein / owner of the vehicle be and hereby is directed to deposit Rs.6,12,000/- as compensation along with proportionate interest at the rate of 7.5% p.a from the date of petition till the date of deposit and with cost within a period of eight weeks from the date of receipt of a copy of this judgment;

iv)On such deposit being made, the major claimant / first respondent be and hereby is permitted to withdraw her respective share with proportionate interest as per the ratio fixed by the Tribunal, after deducting any amount received by her earlier;

v)that the Tribunal be and hereby is directed to deposit the share of the minor claimants / respondents 2 and 3 in any one of the Nationalised Banks, in a Fixed Deposit scheme, till they attain majority;

v)that the first respondent who is the mother and guardian of the minor claimants, is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of minors;

vi) that the Claimants are not entitled for interest for the default period, if there is any default;

vi) 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 -
II Additional Sub Court,
Nagarcoil.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai -(2 Copies)

+1 CC to M/s.D.NALLATHAMBI, Advocate, SR.No.29919

+1 CC to M/s.B.RAJESH ARAVANAN, Advocate, SR.No.29941

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate, SR.No.29986



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CMA(MD)No.908 of 2013

ORDER DATED : 21/09/2021

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DECREE

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CMA(MD) . No.908 of 2013

Nature of Decree:-Allowing the Civil Miscellaneous Appeal preferred against the Motor Accidents Claims Tribunal - II Additional Sub Court, Nagercoil, dated 28.11.2011 made in MACTOP.No.36 of 2009. ect as stated within.

GC(08.10.2021) 3P 7C