



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

**Monday, the Twentieth day of September Two Thousand and Twenty One
PRESENT**

**The Hon`ble Mrs.Justice R.THARANI
CMA (MD) .No.941 of 2013**

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The National Insurance Company Limited,
West Car Street,
Sivakasi.

...Appellant/2nd Respondent

-Vs-

1.Mahalakshmi
2.Minor Thiruchittrambalam
3.Minor Divya
(Minor Petitioners 2 and 3 Represented
through their Guardian and Next Friend
their Mother/1st Respondent) ...1st to 3rd Respondent /Petitioners
4.G.Vanithamani ...4th Respondent /1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Award dated 05.09.2012 made in M.C.O.P.No.33 of 2011 on the file of the Motor Accidents Claims Tribunal/Subordinate Court, Aruppukottai.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on the Tuesday, the Thirty First day of August Two Thousand and Twenty one upon perusing the Grounds of Appeal, the Award of the Motor Accidents Claims Tribunal/Subordinate Court, Aruppukottai and the material records of this case and upon hearing the arguments of M/s.J.S.Murali, Advocate for the Appellant and of M/s.Kala Murugappan, Advocate for the First Respondent, this Court having stood over the matter for consideration till this date, While dismissing the Appeal, doth order and decree as follows:-

(1).That the Civil Miscellaneous Appeal be and hereby is dismissed, the award passed by the Motor Accidents Claims Tribunal/Subordinate Court, Aruppukottai., Dated 05.09.2012 made in M.C.O.P.No.33 of 2011 is confirmed;

(2).That the Appellant/Insurance Company be and hereby is directed deposit Rs.7,17,000/- (Rupees Seven Lakhs and Seventeen Thousand only) with 7.5% interest from the date of the claim petition till the date of realization and the amount if not deposited earlier, has to be deposited within a period of eight weeks from the date of receipt of a copy of this order;



(3).That on such deposit being made, the First Respondent/Claimant be and hereby is permitted to withdraw her share together with proportionate interest after deducting any amount received by her earlier;

(4).That the Tribunal be and hereby is directed to deposit the share of the 2nd and 3rd Respondents/Minor Claimants in any one of the Nationalised Banks, in a Fixed Deposit scheme, till they attain majority;

(5). That the 1st Respondent who is the mother and guardian of the 2nd and 3rd Respondents/Minor Claimants be and hereby is permitted to withdraw the accrued interest once in three months directly from the Bank, only for the welfare of the minor children;

(6).That the Tribunal be and hereby is directed to refund the excess amount, if any deposited to the Appellant/Insurance Company;

(7).That The Claimants be and hereby are not entitled for interest for the default period, if there is any;

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To.

The Subordinate Judge,
Motor Accidents 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.J.S.Murali, Advocate (SR-29682 dated 21/09/2021)



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CMA(MD).No.941 of 2013

ORDER DATED : 20/09/2021

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DECREE

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CMA (MD) .No. 941 of 2013

Nature of Decree:-

Dismissing the Civil
Miscellaneous Appeal
preferred against the
Judgment and Decree of the
Motor Accident Claims
Tribunal / Subordinate
Court, Aruppukottai dated:
05.09.2012 made in MCOP
No.33 of 2011 as stated
therein.

ES (CO)

GC (26.10.2021) 3P 5C