



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

Tuesday, the Nineteenth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMA(MD). No.88 of 2018

THE DISTRICT FOREST OFFICER,
TIRUNELVELI.

... Appellant/1st respondent

Vs

- 1 AVUDAIYAMMAL, W/O. KADALDURAI,
- 2 MINOR ESAKKIRANI, D/O. KADALDURAI,
- 3 MINOR VIJAYARANI, D/O. KADALDURAI,
- 4 MINOR VAIDEVI, D/O. KADALDURAI,
- 5 RAJA, S/O Velu
- 6 PACKIYAMMAL, W/o, Raja,

Respondents 1 to 6 are residing at
MURUGAN KOVIL STREET,
THUMBAIMEDU, SIVAGIRI TALUK,
TIRUNELVELI DISTRICT.

(Minor Respondents 2 to 4 are represented by the 1st respondent)

... Respondents 1 to 6/Claimants

- 7 JEYAMANI
S/O. KALIMUTHU, DOOR NO.4/48, KADAIYAKULAM,
MELASELVANUR POST, KADALADI TALUK,
RAMANATHAPURAM DISTRICT.
- 8 THE ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LIMITED,
REP. BY ITS BRANCH MANAGER, ATP TOWERS, 5TH FLOOR,
NO. 12A, BYE PASS ROAD,, MADURAI.

... Respondents 7 & 8/ Respondents 2 & 3

Prayer: -

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree made in MCOP.No. 541 of 2014 on the file of the Motor Accident Claims Tribunal/ I Additional District Judge, Tirunelveli, dated 27.10.2015.

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



DECREE: -

This Civil Miscellaneous Appeal having come up for final hearing on Thursday, Seventeenth day of December Two thousand and twenty, 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. J. GUNASEELAN MUTHIAH, Additional Government Pleader appearing for the Appellant and of MR.P.PINAYAGASH, Advocate appearing for the Respondents 1 to 6, and of MR.M.E.ILANGO, Advocate appearing for the 8th respondent, this Court having stood over for consideration till this date, this court while dismissing this Appeal doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal/ I Additional District Judge, Tirunelveli, in MCOP.No.541 of 2014 dated 27.10.2015 be and hereby is confirmed;

(2) That the Appellant herein/first respondent and the eighth respondent herein / Insurer be and hereby are directed to deposit the entire amount awarded by the Tribunal to the credit of above said MCOP.No. 541 of 2014 on the file of the Motor Accident Claims Tribunal/ I Additional District Judge, Tirunelveli, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of copy of the judgment;

(3) That on such deposit being made, the Respondents 1 to 6 herein / claimants be and hereby are entitled to their shares as per the apportionment made by the Tribunal;

(4) That the respondents 1, 5 and 6 herein be and hereby are permitted to withdraw their shares along with accrued interest and costs on due application before the Tribunal;

(5) That the shares of the minor respondents 2 to 4 herein/ claimants, their shares shall be deposited in any one of the Nationalised Banks till they attain majority as ordered by the Tribunal; and

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

The I Additional District Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
Tirunelveli.

Copy to:

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

ORDER DATED : 19/01/2021

DECREE

CMA(MD). No.88 of 2018

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the judgment and decree made in MCOP.No. 541 of 2014 on the file of the Motor Accident Claims Tribunal/ I Additional District Judge, Tirunelveli, dated 27.10.2015

se (CO)
TR(08.02.2021) 3P 4C