



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

**Friday, the Thirteenth day of August Two Thousand and Twenty One
PRESENT**

**The Hon`ble Mrs.Justice R.THARANI
CMA(MD) . No.253 of 2014**

MINOR.VALARMATHI,,
Rep.by her next friend and natural
guardian her father Chinnadurai

... Appellant / Minor Claimant

-Vs-

1 P. VENKATESAN,

2 THE ORIENTAL INSURANCE COMPANY LIMITED,
W-115, FIRST FLOOR, S.P.COMPLEX, 3rd AVENUE,
D.K.K., KALYANAMANDAPAM, NEAR ROUNDTANA,
CHENNAI - 600 040.

(SINCE THE FIRST RESPONDENT REMAINED EXPARTE
IN THE COURT BELOW, NO NOTICE NEED BE ISSUED TO HIM.)

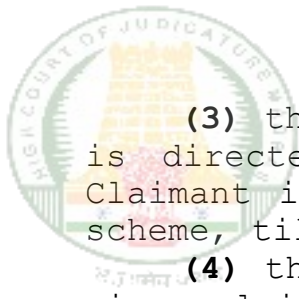
... Respondents / Respondents

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the decree and judgment dated.31.10.2013 passed in M.C.O.P.No.1 of 2013 on the file of the Motor Accident claims Tribunal/ Chief Judicial Magistrate, Tuticorin.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on Friday, Thirteenth day of July, 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.G.ARAVINTHAN, Advocate for the Appellant and of , MR.C.JAWAHAR RAVINDRAN, ADVOCATE FOR MR.C.RAMACHANDRAN, ADVOCATE for the Second Respondent and the First Respondent set exparte before the Tribunal below and having stoodover for consideration till this day, while this Court allowing the Civil Miscellaneous Appeal in part doth order and decree as follows:-

(1) that the award passed dated.31.10.2013 in M.C.O.P.No.1 of 2013 on the file of the Motor Accident claims Tribunal/ Chief Judicial Magistrate, Tuticorin be and hereby is enhanced to Rs.2,04,600/-(Rupees, Two lakhs and four thousand and six hundred only)with interest at the rate of 7.5% instead of Rs.1,19,600/- as awarded by the Tribunal below;

(2) that the Second Respondent herein/Insurance Company be and hereby is directed to deposit Rs.2,04,600/-(Rupees, Two lakhs and four thousand and six hundred only)with the interest at the rate of 7.5% interest from the date of the claim petition till the date of realization and amount if not deposited earlier, has to be deposited within a period of 8 weeks from the date of receipt of copy of this judgment.



(3) that on such deposit being made, the Tribunal be and hereby is directed to deposit the share of the Appellant herein/Minor Claimant in any one of the Nationalised Banks, in a Fixed Deposit scheme, till she attain majority.

(4) that the natural guardian Chinnadurai herein /father of the minor claimant 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;

(5) that the Excess amount , if any deposited shall be refunded to the Second Respondent herein/Insurance company;

(6) that the Appellant herein/Claimant be and hereby is not entitled for interest for the default period, if there is any; and

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident claims Tribunal/ Chief Judicial
Magistrate, Tuticorin.

Copy to:

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

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate(SR-26284 dated13/08/2021

ORDER DATED : 13/08/2021

DECREE

CMA(MD). No.253 of 2014

Nature of Decree:- Allowing the Civil Miscellaneous Appeal in part preferred against the decree and judgment dated.31.10.2013 passed in M.C.O.P.No.1 of 2013 on the file of the Motor Accident claims Tribunal/ Chief Judicial Magistrate, Tuticorin, as stated with in.

RK (27.08.2021) 2P 5C