



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

Friday, the Eighth day of October Two Thousand Twenty One

WEB COPY

PRESENT
The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.516 of 2014

THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE CO.LTD.,
DINDIGUL.

... Appellant/respondent 2

-Vs-

1 KARUPPAYEE,

2 JANAKI,

3 NAVARATHINAM,

4 MUTHULAKSHMI,

5 NAGAMMAL

6 Minor. ANGALA ESWARI

7 Minor. VANITHA,

8 Minor.RAJAPANDI
petitioners

... respondents 1 to 8 /

(R6 TO 8 ARE REP BY,THEIR
MOTHER & NATURAL GUARDIAN, first
RESPONDENT-KARUPPAYEE.)

9 KALIAPPAN,
no.1

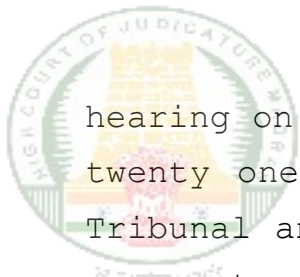
... Respondent NO.9/respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree of the Motor Accident Claims Tribunal - Additional District and Sessions Judge, Dindigul, dated 15.02.2013, made in M.C.O.P.No.125 of 2010 and to allow the appeal.

DECREE:-

<https://hcservices.ecourts.gov.in/hcservices/> Civil Miscellaneous Appeal having come up for final



hearing on wednesday the fifteenth day of September 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. K.Murugesan, Advocate for the Appeallant and of Ms.K.Padmavathy, Advocate for the first to eighth respondents, and the ninth respondent is not appearing either in person or by advocate, and having stood over for consideration till this date, and while Dismissing this Civil Miscellaneous Appeal, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal - Additional District and Sessions Judge, Dindigul, dated 15.02.2013, made in M.C.O.P.No.125 of 2010, be and hereby is confirmed and the Civil Miscellaneous Appeal is hereby dismissed.

(2) That the Appeallant/Insurance Company be and hereby is directed to deposit Rs.4,00,600/- (Rupees four lakhs and six hundred only) alongwith interest at the rate of 7.5% p.a. from the date of petition till the date of deposit and cost within a period of 8 weeks from the date of receipt of a copy of this judgment, if not already deposited.

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

(4) That the Tribunal be and hereby is directed to deposit the share of the minor claimants/respondents 6 to 8 herein as per the ratio fixed by the Tribunal in any one of the Nationalised Banks, in a Fixed Deposit Scheme, till they attain majority.

(5) That the first respondent herein, who is the mother and guardian of the minor claimants, be hereby is permitted to withdraw the



accrued interest once in three months directly from the bank, only for the welfare of minors.

(4) That the claimants be and hereby are not entitled for interest for the default period, if there is any default.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Additional District and Sessions Judge,
The MOTOR ACCIDENT CLAIMS TRIBUNAL,
Dindigul.

Copy to:

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

ORDER DATED : 08/10/2021

=====

DECREE

=====

CMA(MD). No.516 of 2014

Nature of Decree:-

Dismissing

the Civil Miscellaneous
Appeal preferred against the
judgment and decree of the
Motor Accidents Claims
Tribunal - Additional



CMA(MD). No.516 of 2014

District and Sessions
Judge, Dindigul,
15.02.2013,

dated

made in

M.C.O.P.No.125 of 2010,

etc., as stated therein.

RK(28.10.2021) 4P 4C