



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Second day of December,
Two Thousand and Twenty One

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PRESENT

The Honourable Mrs. Justice R. THARANI

CMA(MD). No.733 of 2014

M/S. ICICI LOMBARD GENERAL INSURANCE CO. LTD.,
NAGERCOIL,
KANYAKUMARI DISTRICT.

.. Appellant/3rd Respondent

Vs

1. MINOR SREEJITH,
S/O SANTHAKUMARI
REP. MY MOTHER GUARDIAN

.. 1st Respondent/Petitioner

2. SHEEBU

3. T.VIBINSTALIN

.. Respondents 2 & 3/
Respondents 1 & 2

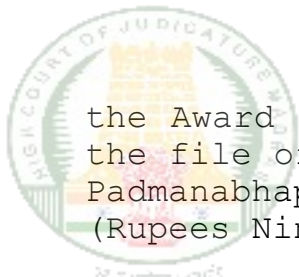
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Subordinate Judge, Motor Accident Claims Tribunal (Subordinate Court), Padmanabhapuram dated 14.12.2012 made in M.C.O.P. No.111 of 2008.

DECREE:-

This Civil Miscellaneous Appeal came up for final hearing on Thursday, the Twenty Eight day of October, 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.S.SRINIVASA RAGHAVAN, Advocate for the Appellant, MR.V.M.BALAMOHAN THAMPI, Advocate for the first Respondent, and of MR.K.P.NARAYANAKUMAR, Advocate for R2 and R3 herein, and having stood-over the matter for consideration till this day, this Court while allowing the Appeal in-part by modifying the compensation amount awarded, doth order and decree as follows:-

(1) That the compensation amount of Rs.1,22,288/- (Rupees One Lakh and Two Hundred and Eighty Eight only) granted under



the Award dated dated 14.12.2012 made in M.C.O.P. No.111 of 2008 on the file of the Motor Accident Claims Tribunal (Subordinate Court), Padmanabhapuram, be and hereby is reduced to a sum of Rs.90,500/- (Rupees Ninety Thousand and Five Hundred only);

(2) That the Appellant/Insurance Company be and hereby is directed to deposit Rs.90,500/- (Rupees Ninety Thousand and Five Hundred only) along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit and cost within a period of eight weeks from the date of receipt of a copy of this judgment, if not deposited already;

(3) That the Tribunal below be and hereby is directed to deposit the compensation of the Minor Claimant/first respondent in any one of the Nationalised Bank in a Fixed Deposit Scheme, till he attains majority, and Santhakumari, who is the mother and guardian 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;

(4) That the Claimant be and hereby is not entitled for interest for the default period, if any;

(5) That excess amount, if any, shall be refunded to the Appellant/Insurance company;

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
The Motor Accident Claims Tribunal (Subordinate Court),
Padmanabhapuram.

Copy to:

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



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CMA(MD). No.733 of 2014

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-40134[F] dated 23/12/2021)

ORDER DATED : 22/12/2021

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DECREE

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CMA(MD) . No.733 of 2014

Nature of Decree:-

Partly allowing the the
Civil Misc. Appeal
preferred against the
judgment and decree of the
Motor Accident Claims
Tribunal (Subordinate
Court), Padmanabhapuram
dated 14.12.2012 made in
M.C.O.P. No.111 of 2008 and
giving directions etc. as
stated therein.

DKS (CO)

SB(12.01.2022) 3P 6C