



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(CIVIL APPELLATE JURISDICTION)**

**WEDNESDAY, THE FIRST DAY OF DECEMBER TWO THOUSAND AND TWENTY ONE
PRESENT**

**THE HON`BLE MRS.JUSTICE R.THARANI
CMA(MD) . NO.925 OF 2014**

WEB COPY

1. VASANTHI
2. Minor. Praveen Kumar ... Appellants/Petitioners

(minor represented by her mother and natural guardian of the 1st Appellant herein)

Vs

- 1.MANICKAM
- 2.MAYILSAMY
- 3.NATIONAL INSURANCE COMPANY LTD.,
AATHOOR, REP.BY ITS BRANCH MANAGER.
- 4.PALANICHAMY
- 5.TAMILSELVI ... Respondents/Respondents

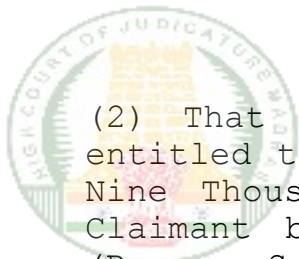
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award and decree dated 11.04.2014 passed in M.C.O.P. No. 523 of 2009 on the file of the Motor Accident Claims Tribunal, Special District Judge, Thanjavur and enhance the compensation by allowing the present appeal.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Monday, the Twenty Fifth 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.M.SARAVANAN, Advocate for the Appellant and of Mr. J.S. MURALI, Advocate for the 3rd respondent, MR.N.SUDHAGAR NAGARAJ, Advocate for the 4th and 5th respondents, the 1st respondent has not appear either in person or by an advocate and having stood over for consideration till this date, this Court while allow in part, doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Special District Judge, Thanjavur, dated 11.04.2014 made in M.C.O.P. No. 523 of 2009 be and hereby is modified and the amount enhanced to a sum of Rs. 24,89,200/- (Rupees Twenty four Lakhs Eighty Nine Thousand and Two Hundred only) is awarded as compensation;



(2) That the 1st Appellant herein/1st Claimant be and hereby is entitled to a share of Rs. 12,89,200/- (Rupees Twelve Lakhs Eight Nine Thousand and Two hundred only), the 2nd appellant herein/2nd Claimant be and hereby is entitled to a share of Rs.7,00,000/- (Rupees Seven Lakhs only) and the Respondents 4 and 5 herein/ Respondents 4 and 5 be and hereby are entitled to a share of Rs.5,00,000/- (Rupees Five Lakhs only) each as compensation with interest at the rate of 7.5 % from the date of the claim petition till the date of realization;

(3) That the first appellant be and hereby is entitled for the cost;

(4) That the 3rd respondent herein/Insurance Company be and hereby directed to deposit the above said amount if not deposited earlier, within a period of 8 (Eight) weeks from the date of receipt of copy of the judgment.

(5) That on such deposit being made, the 1st appellant, Respondents 4 & 5 herein/ major claimants be and are hereby permitted to withdraw the award amount with proportionate interest after deducting any amount received by them earlier;

(6) That the tribunal be and hereby is directed to deposit the share of the 2nd appellant herein /minor Claimant in any one of the Nationalised Banks, in a Fixed Deposit scheme, till he attains majority;

(7) That the 1st Appellant herein / 1st 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; and

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

Sd/-

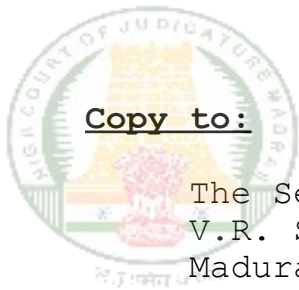
Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To
The Special District Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL
Thanjavur.



Copy to:

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

COPY TO: -

THE SUB ASSISTANT REGISTRAR(CO)
CO SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.S.MURALI, Advocate (SR-36997 dated 02/12/2021)

ORDER DATED : 01/12/2021

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DECREE

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CMA(MD). No.925 of 2014

Nature of Decree:- Partly allowing the Civil Miscellaneous Appeal to set aside the award and decree dated 11.04.2014 passed in M.C.O.P. No. 523 of 2009 on the file of the Motor Accident Claims Tribunal, Special District Judge, Thanjavur and enhance the compensation by allowing the present appeal.

SE (CO)
GC (24.01.2022) 3P 6C