



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

Tuesday, the Twenty Third day of February Two Thousand AND Twenty
One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI
CMA(MD)No.1085 of 2018

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THE DIVISIONAL MANAGER,
THE ORIENTAL INSURANCE COMPANY LIMITED,
NO.4,PROMENADE ROAD,
CANTONMENT, TRICHY-1.

... Appellant/2nd Respondent

/ VERSUS /

1 SARASU
2 BALASUBRAMANIAN
3 T.G.JAYAKUMAR
4 SELVI
5 RAMU
6 ANNAMALAI
7 MINOR.RAMAYE
8 MINOR.LAKSHMI

... Respondents 1 and 2/Petitioners
... 3rd Respondent/1st Respondent

(RR7 & 8 ARE REP BY THEIR NATURAL GUARDIAN & NEXT FRIEND,
MOTHER SELVI-R4) .

9 LAKSHMI AMMAL

(RR3 TO 9 REMAINED EXPARTE BEFORE THE TRIBUNAL) .

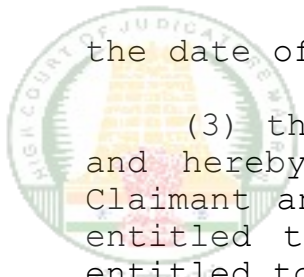
... Respondents 4 to 9/Respondents 3 to 8

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal -cum- Special District Judge (Full Additional In-charge), Tiruchirappalli, dated 08.01.2018 made in MCOP 5623 of 2013.

DECREE:-This Civil Miscellaneous Appeal coming up for final hearing on this day, 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.K.BHASKARAN, Advocate for the Appellant and of MR.A.SENTHILKUMAR, LEGAL AID COUNSEL FOR THE RESPONDENTS 1,2,4 TO 9 and the 3rd Respondent not appeared either in person or by an advocate, this Court while allowing the Appeal in Part, doth order and decree as follows:-

(1) That, the award passed by the Motor Accident Claims Tribunal -cum- Special District Judge (Full Additional In-charge), Tiruchirappalli, dated 08.01.2018 made in MCOP 5623 of 2013 be and hereby reduced to Rs.11,30,000/- (Rupees Eleven Lakhs Thirty Thousand only) from Rs.11,40,000/- ;

(2) that, the Appellant/Insurance Company be and hereby deposit the modified award amount together with interest @ 7.5. per annum from the date of petition till the date of deposit, less the amount already deposited, within a period of six weeks from



the date of receipt of a copy of this judgement ;

(3) that, on such compliance, the 1st Respondent/1st Claimant be and hereby entitled to Rs.3,30,000/- and the 2nd Respondent/ 2nd Claimant and the Respondents 5 to 8/Respondents 4 to 7 herein each entitled to Rs.1,50,000/- and the 9th Respondent/8th Respondent is entitled to Rs.50,000/- together with accrued interest and costs ;

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(4) that, in so far as the share of the minor Claimants are concerned, the Tribunal be and hereby directed to deposit their share in any one of the Nationalised Bank in a fixed deposit scheme initially for a period of three years renewable thereafter, till they attain majority ;

(5) that, the 4th Respondent/being the mother and Guardian of the minors be and hereby permitted to withdraw the accrued interest once in three months directly from the Bank for the welfare of the minor children and

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal -cum- Special District Judge (Full Additional In-charge), Tiruchirappalli

Copy to:

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

+1 CC to M/s.K.BHASKARAN, Advocate (SR-6899)

ORDER DATED : 23/02/2021

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DECREE

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CMA(MD)No.1085 of 2018

Nature of Decree:- ALLOWING THE APPEAL IN PART preferred against the award of the Motor Accident Claims Tribunal -cum- Special District Judge (Full Additional In-charge), Tiruchirappalli, dated 08.01.2018 made in MCOP 5623 of 2013 and etc. as stated within.