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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Eighteenth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI
CMA(MD). No.1040 of 2017

THE MANAGER,
SRI RAM GENERAL INSURANCE COMPANY LTD.
MADURAI. OFFICE AT HAK ROAD CHOKKIKULAM
MADURAI. ...Appellant/4th Respondent

Vs

1 K.SUBBAIAH,

2 MINOR.S.SHANMUGAPRIYA,

3 MINOR.THANGAPANDI,

4 MINOR.S.VIRUMANDI,

5 S.GUNDUMALAI, ..Respondents 1 to 4/Petitioners 1 to 4
5th respondent/1st respondent

6 THE DIVISIONAL MANAGER
THE ORIENTAL INS.CO.LTD. MADURAI OFFICE AT
39/40 WORKSHOP ROAD SARADHA SHOPPING
COMPLEX SIMMAKKAL
MADURAI-625 001. ..6th Respondent/2nd Respondent

7 MANIMARAN, ..7th Respondent/3rd Respondent

Prayer :-Civil Miscellaneous appeal filed under Section 173 of motor Vehicle Act, 1988 to set aside the decree and judgment of motor Accidents Claims Tribunal – IV Additional District judge, Madurai , dated 28/06/2017 in M.C.O.P.No. 2283 of 2014.

DECREE:

This Civil Miscellaneous Appeal having come up for hearing on Monday the nineteenth day of April 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.Maruthiah Advocate for the Appellant and Mr.V. Sakthivel, Advocate for the Respondents 1 to 4 and Mr.C.Jawahar Ravindran, Advocate for the 6th Respondents and 5th respondents not appeared either in person or by an Advocate and this court while allowing this appeal in part and modifying the liability fixed by the tribunal below, doth order and decree as follows:-

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(1)That the quantum fixed by he motor Accidents Claims tribunal – IV additional district Judge, Madurai, dated 28/06/2017 in M.C.O.P.No. 2283 of 2014 be and hereby is confirmed.

(2) that the liability fixed by the Motor accidents Claims tribunal – IV Additional district Judge, Madurai, dated 28/06/2017 in M.C.O.P.No. 2283 of 2014 be and hereby is modified.

(3)that the appellant herein/Sri Ram General Insurance Company and sixth respondents herein/Original Insurance Company be and hereby are directed to deposit the entire award amount (50 % Appellant and 50 % sixth respondents) along with 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 eight weeks from the date of receipt of copy of this judgment, if mot already deposited.

(4) that the Appellant herein/Sri Ram General Insurance Company shall withdraw the excess amount, if any already deposited.

(5) that on such deposit being made the major claimant herein/first respondent herein be and hereby is permitted to withdraw his respective shares with proportionate interest after deducting any amount received earlier.

(6)that the Tribunal be and hereby is directed to deposit the share of the minor claimants Respondents 2 to 4 herein in any one of the nationalised Banks, in a fixed Deposit scheme, till they attain majority

(7)that the First respondents herein/guardian of the minor Claimants be and hereby is permitted to withdraw the accrued interest once in three months directly from the bank. Only for the welfare of minors.

(8)that the Respondents 1 to 4 are herein/ the Claimnants be and hereby are not entitled for interest for the default period, if there is any default.

(9)that there by no costs in this Civil miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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TO

The Motor Accidents Claims tribunal,
IV Additional district Judge,
Madurai.

Copy to

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

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-19681 dated 21/06/2021)

+1 CC to M/s.G.MARUTHIAH, Advocate (SR-19888 dated 22/06/2021)

ORDER DATED : 18/06/2021

DECREE

CMA(MD). No.1040 of 2017

nature of Decree: While Allowing the Appeal in part and modification of the liability fixed by the tribunal below as against the Motor Accidents claims tribunal -IV Additional District Judge, Madurai, dated 28.06.2017 in M.C.O.P.No. 2283 of 2014 Etc., as stated therein.,

KB(31.08.2021) 3P 6C

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