



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Fifth day of July Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

AND

The Hon`ble Mr.Justice B.PUGALENDHI

CMA(MD). No.809 of 2017

THE BRANCH MANAGER,
BHARTI AXA GENERAL INSURANCE COMPANY LTD.
SRIRAM CENTRE 180 GROUND FLOOR P.P.,
CHAVADI THENI MAIN ROAD MADURAI .. Appellant /2nd Respondent

Vs

- 1 OCHAMMAL,W/O.LATE THANGAMUNIAN,
M.THOTTIANKULAM VILLAGE,,
PALAYAMPATTI (PO), ARUPPUKOTTAI TK, NOW AT,
KASTHURIBAI NAGAR, MALLANKINAR ROAD,
ROSALPATTI, VIRUDHUNAGAR DT..
- 2 MINOR SURESH PRADAP
REP BY MOTHER & GUARDIAN 1ST RESPONDENT, M.,
THOTTIANKULAM VILLAGE, NOW AT KASTHURIBAI,
NAGAR, MALLANKINAR ROAD, ROSALPATTI,
VIRUDHUNAGAR DT..
- 3 MINOR DHUBIZA
REP BY MOTHER & GUARDIAN 1ST RESPONDENT, M.,
THOTTIANKULAM VILLAGE, NOW AT KASTHURIBAI,
NAGAR, MALLANKINAR ROAD, ROSALPATTI,
VIRUDHUNAGAR DT..
- 4 RAKKAMMAL
W/O.LATE ADAIKALAM, M.THOTTIANKULAM VILLAGE,,
NOW AT KASTHURIBAI NAGAR, MALLANKINAR ROAD,,
ROSALPATTI,
VIRUDHUNAGAR DT .. 1st to 4th Respondent /
1st to 4th Petitioners
- 5 THE SECRETARY
NOBLE MATRIC HIGHER SECONDARY SCHOOL,,
PERIYAVALLIKULAM VILLAGE,
VIRUDHUNAGAR TK .. 5th Respondent / 1st Respondent



Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, Subordinate Judge, Virudhunagar dated 8.12.2016 in MCOP NO.32 of 2015.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, 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 of Mr.G.SRIDHARAN, Advocate for the first to fourth respondents, and fifth respondent not appeared either in person or by an Advocate, while modifying the award of the Tribunal and Partly Allowing the Appeal, this Court doth order and decree as follows:-

(1) That the award of the Tribunal be and hereby is reduced from Rs.24,53,000/- to Rs.19,18,000/- (Rupees Nineteen Lakhs eighteen thousand only).

(2) That the Appellant/Insurance Company be and hereby is directed to deposit the modified award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order.

(3) That on such deposit being made, the first claimant, wife of the deceased is entitled to Rs.9,00,000/- (Rupees Nine lakhs only) and the minor claimants are entitled to Rs.4,00,000/- (Rupees Four Lakhs only) **each** and the fourth claimant, the mother of the deceased is entitled to Rs.2,18,000/- (Rupees Two lakhs eighteen thousand only).

(4) That the major claimants be and hereby are permitted to withdraw their share, less the amount already withdrawn, if any, together with proportionate interest and costs by filing necessary application before the Tribunal.

(5) That the share of the minor claimants shall be deposited in any one of the nationalized banks, as fixed deposit under the Cumulative Deposit Scheme, till they attain majority and hand over the fixed deposit certificates to the mother of the minor claimants.

(6) That on attainment of majority, the amount awarded to the minor claimants shall be disbursed to them with accrued interest and cost.

(7) That the excess amount, if any, be returned to the Insurance Company; and



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

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Virudhunagar.

Copy to:

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

+1 CC to M/s.G.MARUTHIAH, Advocate (SR-21324 dated 06/07/2021)
+1 CC to M/s.G.SRIDHARAN, Advocate (SR-21323 dated 06/07/2021)

ORDER DATED : 05/07/2021

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D E C R E E

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CMA(MD). No.809 of 2017

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous Appeal
preferred against the
award made in MCOP No.32 of
2015 dated 08.12.2016 of
the Subordinate Judge,
Motor Accident Claims
Tribunal, Virudhunagar and
etc., as stated therein

KMK (CO)

TR(21.09.2021) 3P 6C