



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

Thursday, the Eighth day of July Two Thousand and Twenty One  
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI  
CMA(MD) . Nos.1115 and 1170 of 2018

CMA(MD) . No.1115 of 2018

THE ORIENTAL INSURANCE CO.LTD.,  
REP.BY ITS DIVISIONAL MANAGER,  
NO.16 K.J.R.COMPLEX, MOTOR THIRD PARTY CLAIMS HUB,  
NORTH VELI STREET,  
MADURAI DISTRICT.

... Appellant/2<sup>nd</sup> Respondent

Vs

- 1 MUTHUMEENAL @ MUTHUMEENA
- 2 MINOR.MARAGATHAM
- 3 MINOR.GAYATHRI
- 4 MINOR.GOKUL

(Minor Respondents 2 to 4 are represented through their mother & natural guardian of 1<sup>st</sup> respondent MUTHUMEENAL @ MUTHUMEENA).

... Respondents 1 to 4/Claimants 1 to 4

MUTHIRULAN (DIED)

- 5 SATHAYEE

... 6<sup>th</sup> Respondent/6<sup>th</sup> Claimant

- 6 SUNDARARASU

(Respondent 6 REMAINED EXPARTE BEFORE THE LOWER COURT).

... 7<sup>th</sup> Respondent/3<sup>rd</sup> Respondent

- 7 THE ORIENTAL INSURANCE CO.LTD.,  
REP.BY ITS BRANCH MANAGER, ILAYANKUDI.  
(GIVEN UP).

... 7<sup>th</sup> Respondent/3<sup>rd</sup> Respondent

CMA(MD) . No. 1170 of 2018

1. Muthumeenal @ muthumeena
2. Minor Maragatham
3. Minor Gayathri
4. Minor Gogul

(Minor Appellants 2 to 4 are representation by their Mother and natural guardian of 1st Appellant )

Muthirulan (Died)



5. Sathayee

... Appellants/Claimants 1 to 4 & 6

Vs

1. Sundararasu

2. The Divisional Manager,  
The Oriental Insurance Company Ltd,  
Motor Third Party Claims Hub,  
No.16, K.J.R.Complex, Northveli Street, Madurai.

3. The Branch Manager,  
The Oriental Insurance Company Ltd,  
Elayangudi,  
Sivagangai District

... Respondents/ Respondents

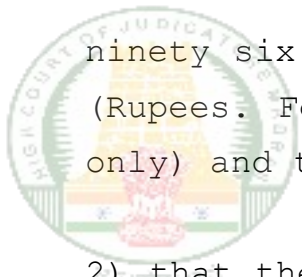
**Common Prayer:-**

Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 14.06.2018 passed in M.C.O.P. No. 2275 of 2015 on the file of the Motor Accident Claims Tribunal (VI Additional District Judge), Madurai.

**DECREE:-**

This Civil Miscellaneous Appeals having come up for final hearing on Monday, the First day of March 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. K.BHASKARAN, Advocate for the Appellant in CMA(MD).No. 1115 of 2018 and 2<sup>nd</sup> & 4<sup>th</sup> respondents in CMA(MD).No. 1170 of 2018, and of MR.K.KUMARAVEL Advocate for the respondent 1 to 4 in CMA(MD).No. 1115 of 2018 and appellant in CMA(MD).No. 1170 of 2018, MR.S.T. SASIDHARAN TAMILKANI, Advocate for the 6<sup>th</sup> respondent in CMA(MD).No. 1115 of 2018 and 1<sup>st</sup> respondent in CMA(MD).No. 1170 of 2018, the 5<sup>th</sup> respondent was dismissed vide order of the Court dated 26.06.2019 in CMA(MD).No. 1115 of 2018 and having consideration till this date, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal (VI Additional District Judge), Madurai, dated 14.06.2018 made in M.C.O.P. No. 2275 of 2015 be and hereby is modified, the award of the Tribunal is reduced to Rs.12,96,208/- (Rupees. Twelve Lakhs



ninety six thousand two hundred and eight only) from Rs.14,59,450/- (Rupees. Fourteen lakhs fifty nine thousand four hundred and fifty only) and the Civil Miscellaneous Appeal are disposed of;

2) that the negligence be and hereby is fixed at 50% on the part of the driver of the offending vehicle and 50% on the part of the deceased;

(3) That the Insurance Company be and hereby is directed to deposit the modified award amount together with interest at 7.5% p.a from the date of claim petition till the date of deposit, less the amount already deposited, within a period of 6(six) weeks from the date of receipt of copy of the judgment;

(4) That on such compliance, the 1<sup>st</sup> claimant be and hereby is entitled to withdraw Rs. 5,39,658/- (Rupees. Five Lakhs thirty nine thousand six hundred and fifty eight only) and the 6<sup>th</sup> claimant be and hereby is entitled to withdraw Rs.1,00,000/- (Rupees. One Lakhs only) together with accrued interest and costs, without filing any formal petition before the trial court;

5)that the minor claimants 2 to 4 be and hereby are each entitled to Rs.2,18,850/- (Rupees. Two lakhs Eighteen thousand eight hundred fifty only) together with accrued interest and cost;

(6) That the shares of the minor claimants 2 to 4 shall be deposited in any one of the Nationalised Bank on a fixed deposit scheme, till they attain majority.

(7) That the 1<sup>st</sup> Claimant, being the mother and guarding of the minors is entitled to withdraw the interest accrued on the fixed deposit once in three months for the welfare of the minors.

(8) that the excess amount, if any, the Oriental Insurance Company be and hereby is at liberty to get back the same from the Tribunal by filing necessary application; and



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

Sd/-

Assistant Registrar (CO)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

To

The IV Additional District Judge,  
MOTOR ACCIDENT CLAIMS TRIBUNAL,  
Madurai.

Copy to:

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

+1 CC to M/s.K.KUMARAVEL, Advocate ( SR-21677 dated 08/07/2021 )

+1 CC to M/s.S.T.SASITHARAN TAMILKANI, Advocate ( SR-21791 dated 08/07/2021 )

+1 CC to M/s.K.BHASKARAN, Advocate ( SR-21823 dated 09/07/2021 )

ORDER DATED : 08/07/2021

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DECREE

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CMA(MD). Nos.1170 and 1115 of 2018

Nature of Decree:- Disposed of the

Civil Miscellaneous

Appeal preferred against the judgment

and decree dated 14.06.2018 passed in

M.C.O.P. No. 2275 of 2015 on the file

of the Motor Accident Claims Tribunal

(VI Additional District Judge),

Madurai.

KB(02.09.2021) 4P 7C