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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

Civil Miscellaneous Appeal No.1088 of 2010
and
M.P.No.1 of 2010

M/s.The New India Assurance Co.Ltd.,
Kumaran Shopping Complex, Tirupur

... Appellant
/3rd respondent

Vs.

1.K.S.Shanmugasundaram
2.Rukmani
3.Saraswathi
4.Minor Achaya

rep. By her next friend and mother Saraswathi

..Respondents 1 to 4
/Petitioners 1 to 4

5.K.Karuppusamy ..5th respondent/1st respondent
6.P.K.Muthusamy .. 6th Respondent/2nd respondent.
(5th & 6th Respondents remained exparte
in Lower Court)

Civil Miscellaneous Appeal is filed under 173 of Motor Vehicles Act, 1988, against the decree and judgment made in M.A.C.T.O.P.No.33 of 2003 on the file of the Motor Accidents Claims Tribunal (Addl.District Judge, Fast Track Court 5) Coimbatore at Tirupur dated 23.02.2005.

For Appellant : Mr.M.Krishnamoorthy

For respondents: M/s.Ma.Pa.Thangavel for R1 and R2.
M/s.C.AnandaRamani for R3 and R4

JUDGMENT

The present appeal has been filed by the Insurance Company challenging the award of the Motor Accident Claims Tribunal dated 23.02.2005.

2. It is a case of fatal. The claimants/respondents 1 to 4 herein, filed MCOP.No.33 of 2003 seeking compensation of



the Tribunal is confirmed. However, taking note of the interest component awarded by the Tribunal, this court only reduces the rate of interest from 9% to 7.5% per annum from the date of claim petition till the date of realisation.

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8. By order dated 06.04.2010, this court observed that the appellant has deposited the entire compensation amount with proportionate accrued interest and costs. Further this court permitted respondents 1 to 3 to withdraw 50% of their share in the award amount with interest at the rate of 7.5% per annum and further towards the share of minor daughter, interest portion alone was directed to be paid to the mother of the minor once in three months. Therefore, the respondents 1 to 3 are entitled to withdraw the balance award amount as per the ratio fixed by the Tribunal with accrued interest at the rate of 7.5% per annum. In so far as 4th respondent is concerned, her share shall be deposited in a Nationalised Bank till she attains majority. The appellant/Insurance company is permitted to withdraw the excess amount if any lying in the deposit.

9. The Civil Miscellaneous Appeal is disposed of with the above modification. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nvsri

To

The Motor Accident Claims Tribunal,
The Additional District Judge, Fast Track Court V,
Coimbatore at Tirupur.

Copy To

The Section Officer,
VR Section,
High Court, Madras.

+1cc to Mr.C.Ananda Ramani, Advocate SR.No.16328

C.M.A.No.1088 of 2010

SMI (CO)
GN(04/05/2022)