

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2735 of 2016

The Divisional Manager,
The New India Assurance Company Limited,
Fort Station Road,
Trichy.

...Appellant/2nd Respondent

Vs.

1.Alageswari

2.Pachaiyammal

3.Minor Sambooranam

(Minor rep by her elder sister Alageswari, 1strespondent)

...Respondents 1 to 3/Petitioners

4.C.Santhi

...4th Respondent/1st Respondent

5.The Managing Director,

Tamil Nadu State Transport Corporation Limited,

Kumbakonam.

...5th Respondent/3rd Respondent

Prayer: Appeal against the Order of the Motor Accident Claims Tribunal, Principal District Court, Perambalur, dated 31.10.2012 and made in M.C.O.P.No.54 of 2007.

Decree: This Appeal coming on for hearing on this day upon perusing the Grounds of Appeal, the Judgment and decree of the Lower Court and the material records in this case and upon hearing the arguments of Mr.M.Krishnamoorthy Advocate for the Appellant and of Mr.P.Parthikannan for Mr.S.Kaithamalai Kumaran Advocate for the Respondents 1 to 3 and of Mr.D.Venkatachalam Advocate for the fifth Respondent. Notice having been served on the fourth Respondent and not appeared either in person or through counsel. This Court while allowing the Civil Miscellaneous Appeal in part and in modification of the award of the tribunal, doth order and decree as follows:

1. That the fourth Respondent herein/1st Respondent/owner of the vehicle be and hereby is directed to deposit the compensation Rs.3,18,000/- (Rupees Three Lakhs Eighteen Thousand Only) together with interest at the rate of 7.5% per annum from the date of petitions till the date of deposit, along with

interest and costs within a period of eight(8) weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.54 of 2007.

2. That on such deposit being made the tribunal is directed to disburse the same to the claimants in proportionate to the compensation as awarded.

3. That the Respondents 1 and 2 herein/claimants 1 and 2 be and hereby are permitted to withdraw their respective award amount along with interest and costs as per the apportionment fixed by the tribunal, after adjusting the amount if any, already withdrawn by filing necessary applications before the tribunal.

4. That the share amounts of the minor 3rd claimant in M.C.O.P.No.54 of 2007 herein/3rd minor Respondent be and hereby is directed to be deposited in any one of the Nationalised Banks till the minors attain majority.

5. That the 1st Respondent herein/1st claimant elder sister of the minor 3rd claimant in M.C.O.P.No.54 of 2007 is permitted to withdraw the accrued interest once in three months for the welfare of the minor.

6. That the Appellant herein/2nd Respondent/Insurance company be and hereby is permitted to withdraw the award amount, lying in the deposit to the credit of 54 of 2007, if the entire award amount has already been deposited by them.

7. That the Civil Miscellaneous Appeal is dismissed against the fifth Respondent herein/Transport Corporation.

8. That there be no order as to costs in this Civil Miscellaneous Appeal.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vkr

To

1.Motor Accidents Claims Tribunal,
The Principal District Court,
Perambalur.

Copy To

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

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.1565

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.979

DATED:06/01/2022

DECREE

C.M.A.Nos.2735 of 2016

Allowing the Civil
Miscellaneous Appeal in
part is preferred
against the Judgment and
decree on the file of the
Motor Accident Claims
Tribunal, The Principal
District Court,
Perambalur, dated
31.10.2012 and made in
M.C.O.P.No.54 of 2007
ect., as stated within.

VKR(CO)
RN(02/05/2022)