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IN THE HIGH COURT OF JUDICATURE AT MADRAS
WEDNESDAY THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.NO.1630 OF 2021

New India Assurance Co Ltd,
Bombay Mutual Building,
6th Floor, No.232, N.S.C. Bose Road,
Chennai - 600 001.

... Appellant/2nd Respondent

Vs.

1.G.Karpagavalli

2.Pradeep (Minor),

3.Jaigopal (Minor),
2nd and 3rd Minor Respondents rep. By their
Mother and Next Friend Mrs.G.Karpagavalli

4.Anna Lakshmi
all are residing at
No.265, Ganthipuram 4th Street,
K.Pudur, Madurai - 625 007. ...Respondents 1 to 4/Petitioners

5. E.Lakshmi,
No.130, Tathaneri,
Madurai - 625 018.
(5th Respondent was set exparte in
the lower Court. Hence notice to
5th respondent is dispensed with)
... 5th Respondent/1st Respondent

PRAYER: This Civil Miscellaneous Appeal filed against the award and decree dated 20.08.2020 made in M.C.O.P.No.4188 of 2018, on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.



DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the award and decree of the Tribunal Court below and the material papers in this case and upon hearing the arguments of Mr.R.Sivakumar, Advocate for the Appellant and of Mr.R.Sivakumar, Advocate for the Appellant and of Mr.F.Terry Chella Raja Advocate for Respondents 1 to 3 and of fourth respondent not appeared either in person or through advocate and fifth respondent being set exparte before the Tribunal, and this Court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:

1. That the award and decree of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai in M.C.O.P.No.4188 of 2018, dated 20.08.2020 be and hereby is reduced to Rs.58,60,000/- (Rupees Fifty eight lakhs and sixty thousand only) from Rs.63,60,000/- (Rupees Sixty three lakhs and sixty thousand only)

2. That out of the total award amount the 1st Respondent/1st claimant/wife of the deceased be and hereby is entitled for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) and two minor children Respondents 2 & 3/2 & 3 Claimants be and hereby are entitled for a sum of Rs.15,00,000/- (Rupees fifteen lakhs only) each and the 4th claimant/mother of the deceased be and hereby is entitled for Rs.8,60,000/- (Rupees Eight lakhs Sixty thousand only) at the rate of interest is 7.5% per annum from the date of claim petition till the date of deposit.

3. That the appellant/Insurance Company be and hereby is directed to deposit the award amount, now determined by this Court, along with interest and costs, within a period of six weeks from the date of receipt of a copy of this judgment.

4. That on such deposit is being made, the major claimants be and hereby are permitted to withdraw their share of the award amount along with proportionate interest and costs, less the amount already withdrawn, if any.

5. That the Tribunal be and hereby is directed to deposit that the share of the Respondents 2 & 3/Minor Children, in any of the nationalized bank in a fixed deposit scheme, till the minors attain majority.

6. That the 1st Respondent herein/1st Claimant/mother of the minor children be and hereby is permitted to withdraw the interest accrued thereon once in three months, directly from the Bank, till the minors attain majority.



7. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-IV)

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//True Copy//

Sub Assistant Registrar

Jer

To

1.The II Judge,
The Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai.

Copy To:

The Section Officer,
V.R.Section,
Madras High Court,
Chennai

+lcc to M/s.R.Sivakumar, Advocate, S.R.No.19816

DATED: 23/03/2022

DECREE

C.M.A.No.1630 of 2021

Allowing the Civil Miscellaneous Appeal in part preferred against the award and decree dated 20.08.2020 made in M.C.O.P.No.4188 of 2018, on the file of the Motor Accident Claims Tribunal, the II Court of Small Causes, Chennai, etc., as stated therein.

SRA (CO)
SB (18/05/2022)