

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE THIRD DAY OF MARCH

TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CMA No. 718 of 2018

United India Insurance Co. Limited.,
R.P.R.Complex, By-pass Road
Near Government Hospital
Dharmapuri.

...Appellant/2nd Respondent

Vs

1.Sarasa
2.Minor Krishnamurthi
(declared major as per order dated 19.11.2015 made in
I.A.No.2056/2015)
3. Minor. Deepa (Rep. by 1st Respondent)
4. Chellammal
5. Saminathan ... Respondents/Petitioners/Ist Respondent

Prayer:Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act 1988 against the award and decree dated 14.07.2017 made in M.C.O.P.No.693 of 2009 on the file of the Motor Accidents Claims Tribunal (Sub Court), Sankari.

DECREE:This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the Judgment and decree of the Lower Court, and material papers in this case and upon hearing the arguments of Mr.D.Bhaskaran, Advocate for the Appellant and of Mr.C.Kulanthaivel, Advocate for the Respondents 1 to 4 and this Court observing that the Appellant/Insurance Company has deposited entire award passed by the Tribunal along with interest @ 7.5% per annum and this Court, while allowing the Civil Miscellaneous appeal in part by modifying the award of the Tribunal doth order and decree as follows;

i)That the award of compensation passed by the Motor Accident Claims Tribunal, (Sub Court) Sankari dated 14/07/2017

and made in MCOP No.693 of 2009 be and hereby is reduced from Rs.15,40,000/- (Rupees Fifteen Lakhs Forty Thousand only) to Rs.13,02,584/- (Rupees Thirteen Lakhs Two Thousand Five Hundred and Eighty Four only);

ii) That the interest granted by the Tribunal at 7.5% per annum for the date of petition be and hereby is confirmed;

iii) That the excess amount deposited by the Appellant/Insurance Company shall be refunded along with proportionate interest;

iv) That the first respondent herein/Claimant is at liberty to withdraw her share as apportioned by the Tribunal along with accrued interest from the claims Tribunal without filing any formal application seeking permission;

v) That the shares of the minors shall be deposited in an interest bearing fixed deposit in any one of the nationalised banks till they attain majority and the first respondent herein/Claimant be and hereby is permitted to withdraw the interest once in six months for maintenance of the minors;

vi) That the apportionment as stated by the Tribunal be and hereby is confirmed;

vii) That there be no order as to costs in this Civil Miscellaneous appeal;

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vsg

To

The Motor Accident Claims Tribunal,
Sub Court,
Sankari.

Copy to

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

+1cc to Mr.C.Kulanthaivel, Advocate Sr.14424

Dated:03/03/2022

DECREE

CMA No.718 of 2018

Partly allowing the Civil
Miscellaneous Appeal preferred
against the award passed by the
Motor Accident Claims Tribunal
(Sub Court) Sankari made in MCOP
No.693 of 2009 dated 14.07.2017
etc., as stated within.

ak[co]
srg 30/03/2022