



C.M.A.No.2304 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2304 of 2022

1.D.Menancy

2.Minor D.Mithun

3.G.Sagunthala

...Appellants

Vs

1.A.Hridaya Das

2.The Chief Manager
Future General India Insurance Co. Ltd.,
9th Floor, VBC Solitaire
47 and 49, Bazullah Road, T.Nagar,
Chennai – 600017.

... Respondents



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Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgement and Decree in M.C.O.P.No.158 of 2020 dated 19.04.2022 on the file of the Motor Accident Claims Tribunal / Sub Court, Panruti.

For Appellants : Mrs.Ramya V.Rao
For Respondent 2 : Mr.E.Rajadurai
for M/s.M.B.Gopalan Associates

JUDGEMENT

The petitioners have filed the above appeal seeking enhancement of the award. The learned counsel for the respondent Insurance Company has also appeared.

2. After hearing both the parties, it has been fairly conceded that



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the award does not require any modification and it is only the apportionment amongst the petitioners that requires modification.

3. As per the Tribunal, the 1st petitioner was entitled to a sum of Rs.25,02,920/-, the 2nd petitioner, the minor son of the deceased was entitled to a sum of Rs.22,00,000/- and the 3rd petitioner, the mother of the deceased was entitled to a sum of Rs.15,00,000/-.

4. The share of the 3rd petitioner, the mother of the deceased is reduced from a sum of Rs.15,00,000/- to a sum of Rs.10,00,000/- and this sum of Rs.5,00,000/- has to deposited to the credit of the minor son, the 2nd petitioner. The modified apportionment would read as follows:



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<i>Claimants</i>	<i>Awarded by Tribunal</i>	<i>Awarded by High Court</i>
1 st Petitioner (Wife of the deceased)	Rs.25,02,920/-	Rs.25,02,920/-
2 nd petitioner (minor son of the deceased)	Rs.22,00,000/-	Rs.27,00,000/-
3 rd petitioner (mother of the deceased)	Rs.15,00,000/-	Rs.10,00,000/-

The award is modified only to this extent. In all other respects, the award of the Tribunal stands confirmed

5. The 2nd respondent Insurance company is directed to deposit the award amount along with interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgement, to the credit of M.C.O.P.No.158 of 2020. On such deposit, the 1st and 3rd petitioners are permitted to withdraw their respective share of the award amount, as per the apportionment fixed, along with proportionate interest and costs, less the amount if any, already withdrawn, by filing necessary application before the



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6. The share of the minor petitioner, namely, the 2nd petitioner is directed to be deposited in Fixed Deposit in any one of the Nationalised Banks till he attain majority. On such deposit, the 1st petitioner being the mother of the minor petitioner is permitted to withdraw the accrued interest once in three months for the welfare of the minor petitioner.

7. The Civil Miscellaneous Appeal is disposed of on the above lines. No costs.

26.10.2022

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Index : Yes/No

Speaking order/non-speaking order

To,

The Motor Accident Claims Tribunal / Sub Court,

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P.T.ASHA, J.,

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