



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA (MD) No.1143 of 2012

CMA (MD) No.1143 of 2012

Ramasamy S/o.Perumal
8/4, Desigapuram
Chozhapuram
Rajapalayam Taluk

... Appellant / 1st Respondent

- Vs. -

1. Valliammal W/o.Late.Periyasamy
1/84 North Street
Chozhapuram Melur
Chozhapuram Post
Rajapalayam Taluk

2. Somasundari D/o.Late.Periyasamy
1/84 North Street Chozhapuram Melur Chozhapuram Post
Rajapalayam Taluk

3. Minor.Vellammal D/o.Late.Periyasamy Rep by Mother
1/84 North Street
Chozhapuram Melur
Chozhapuram Post
Rajapalayam Taluk

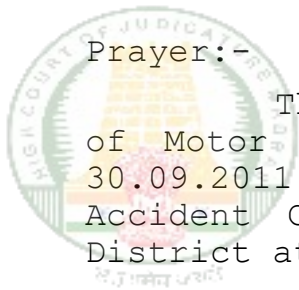
4.Minor.Velmurugan Rep By
Their Mother the 1st Respondent
1/84 North Street Chozhapuram Melur Chozhapuram Post
Rajapalayam Taluk

... 1st to 4th Respondent /
Claimants

5. N.Jeyakumar S/o.Narayanasamy
141-C Main Road
Seithur Post
Rajapalayam Taluk

6. New India Assurance Company Through its Divisional Manager
402, Tenkasi Road
Rajapalayam

... 5th & 6th Respondents / 2nd & 3rd
Respondents



Prayer:-

This Civil Miscellaneous Appeals is filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 30.09.2011 made in MCOP No.238 of 2003 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Virudhunagar District at Srivilliputhur.

**WILDCOPY
DECREE:-**

This Civil Miscellaneous Appeal having come up for final hearing on Friday the twenty ninth day of October Two thousand and twenty one, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.M.Ashok Kumar, Advocate for the Appellant Mr.S.Sathesh Kumar, Advocate for first respondent and Mr.S.Srinivasa Raghavan, Advocate for fifth respondent and Mr.B.VIJAY KARTHIKEYAN, Advocate for the sixth respondent while modifying the award of the Tribunal and partly allowing the Appeal, and having stood over for consideration till this date, this Court doth order and decree as follows:-

1) That the amount in MCOP 2389 of 2003 be and hereby si modified to the effect that the owner of the tractor and the owner of the two wheeler are liable to pay 50% of the compensation,

(2) On behalf of the owner of the two wheeler, the insurance company of the two wheeler shall pay 50% of the amount due to the claimants and the insurance company be and hereby is permitted to recover the same from the owner of the two wheeler,

(3) That the owner of the tractor and the insurance company of the two wheeler shall to deposit 50% of Rs.4,24,000/- (Rupees Four Lakhs twenty four thousand only) with 7.5% interest from date of claim petition till the date of realization and the amount if not deposited earlier, shall be deposited within a period of eight weeks from the date of receipt of copy of this order.

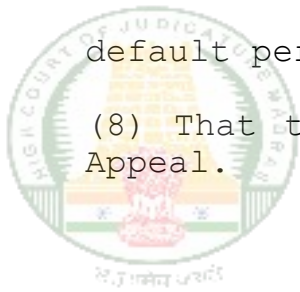
(4) That the sixth respondent / Insurance Company be and is hereby directed to pay the claimants and the insurance company is permitted to recover the same from the owner of the two wheeler/5th respondent.

(5) That on such deposit being made, the claimants be and are hereby permitted to withdraw their respective shares, with proportionate interest after deducting any amount received by them earlier.

(6) That the tribunal be and is hereby directed to deposit the share of the minor claimants in any one of the nationalised Banks, sum a fixed deposit scheme, till they attain magority and the first respondent who is the mother and guardian of the minor claimants, is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of the mionr claimants,

(7) That the claimants are not not entitled for interest for the

<https://hcservices.ecourts.gov.in/hcservices/>



WEB COPY

default period, if there is any.

(8) That there be no order as to cost in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
VIRUDHUNAGAR DISTRICT, SRIVILLIPUTHUR.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate(SR-6089 dated
15/02/2022)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-5637 dated
11/02/2022)

ORDER DATED : 11/02/2022

=====

DECREE

=====

CMA(MD) . No.1143 of 2012

Nature of Decree:- Partly Allowing the Civil Miscellaneous Appeal preferred against the award of the Motor Accident Claims Tribunal, Principal District Judge, Virudhunagar at Srivilliputhur in MCOP No.238 of 2003 dated 30.09.2011 and etc., as stated therein

KB(10.03.2022) 3P 6C