



C.M.A.(MD)No.377 of 2009

WEB COPY

DATED : 07.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A. NAKKIRAN

C.M.A.(MD)No.377 of 2009 and
MP(MD).No. 1 of 2009

The New India Assurance Co., Ltd.,
Rep. by its Branch Manager,
Door No.674, Periyakulam Road,
Theni – 625 531

... Appellant/Respondent

Vs.

1.Kokilavani
2.Minor Mathumitha
3.Minor Yogitha
4.Angaleeswari
(minors 2 and 3 rep. through Mother and
Natural Guardian R1.)

... Respondent/Petitioner

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and Judgment, dated 05.01.2009 made in M.C.O.P.No. 83 of 2007, on the file of the Motor Accident Claims Tribunal (Sub Court), Uthamapalayam.

For Appellant	: Mr. B.Vijay Karthikeyan
For R1 to R3	: Mr.Mohammed Sahib for M/s. Ajmal Associates
For R4	: No appearance

* * * * *



C.M.A.(MD)No.377 of 2009

JUDGMENT

WEB COPY

This Civil Miscellaneous Appeal has been filed by the appellant / Insurance Company against the award, dated 05.01.2009 made in M.C.O.P.No.83 of 2007, on the file of the Motor Accident Claims Tribunal / Sub Court, Uthamapalayam.

2.The appellant / Insurance Company is the respondent in M.C.O.P.No.83 of 2007. The respondents/claimants, who are the legal heirs of the deceased one Jeyachandran, filed a claim petition before the Motor Accident Claims Tribunal / Sub Court, Uthamapalayam, claiming a sum of Rs.5,00,000/- as compensation.

3. The Tribunal, considering the pleadings, oral and documentary evidence, awarded a total sum of Rs.1,32,000/- as compensation.

4. Aggrieved against the Award passed by the Tribunal, the appellant / Insurance Company has filed the present Civil Miscellaneous Appeal.



C.M.A.(MD)No.377 of 2009

5. Today, when the matter was taken up for hearing, the learned counsel appearing for the appellant / Insurance Company submitted that the appellant concedes with the Award passed by the Tribunal and they are not willing to proceed with the appeal.

6. In view of the said submission made by the learned counsel for the appellant / Insurance Company, the Civil Miscellaneous Appeal is dismissed by confirming the Award, dated 05.01.2009 made in M.C.O.P.No.83 of 2007, on the file of the Motor Accident Claims Tribunal / Sub Court, Uthamapalayam. The appellant/ Insurance Company is directed to deposit the entire award amount to the credit of M.C.O.P.No.83 of 2007, on the file of the Motor Accident Claims Tribunal / Sub Court, Uthamapalayam, after deducting the amount already deposited, if any, along with interest at the rate of 7.5% per annum from the date of petition till date of realization and proportionate costs, within a period of six weeks from the date of receipt of a copy of this Judgment.

7. On such deposit being made, the respondents 1 and 4 /claimants are entitled to withdraw the award amount, with interest by making



C.M.A.(MD)No.377 of 2009

necessary application before the Tribunal. Since the respondents 2 and 3 are minors their shares shall be deposited in any one of the Nationalized Banks till they attain majority. No costs. Consequently, the connected Miscellaneous Petition is closed.

07.09.2022

Index :Yes/No
Internet :Yes/No
trp

To

- 1.The Motor Accident Claims Tribunal,
(Sub Court), Uthamapalayam,
- 2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.(MD)No.377 of 2009

A.A. NAKKIRAN, J.,

trp

C.M.A.(MD)No.377 of 2009 and
MP(MD).No. 1 of 2009

07.09.2022