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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Tenth day of March Two Thousand
and Twenty Two

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA (MD) No.631 of 2021

1.Geetha
2.Anguraj
3.Minor Raja Rajeshwari
4.Minor Nagajothi ... Appellants/Petitioners

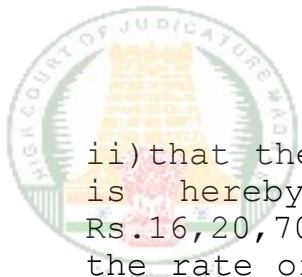
Vs

1.Thanga Sophia
2.The New India Assurance Company Ltd.,
Through its Divisional Manager
Number 41-B, Victoria Street,
Tuticorin. ... Respondents/Respondents

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act praying this Court to set aside the Judgment and Decree made in M.C.O.P.No.117 of 2016 by the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Tirunelveli dated 30.08.2019.

Decree: This Civil Miscellaneous Appeal coming up for final hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers of the Appeal and upon hearing the arguments of Mr.T.Selvakumaran, Advocate for the Appellants, Mr.D.Malaichamy, Advocate for the 2nd Respondent and 1st Respondent not appeared either in person or by an Advocate, and while modifying the award of the tribunal and partly Allowing the appeal, this Court doth order and decree as follows:-

i)that the award of the Motor Accident Claim Tribunal/ Chief Judicial Magistrate Court, Tirunelveli, dated 30.08.2019 made in M.C.O.P.No.117 of 2016 be and is hereby enhanced from Rs.11,59,000/- to Rs.16,20,700/- (Rupees Sixteen Lakhs Twenty Thousand and Seven Hundred only) and this Civil Miscellaneous Appeal be and hereby is partly allowed;



ii)that the 2nd Respondent herein/New India Insurance Company be and is hereby directed to deposit the entire compensation of Rs.16,20,700/- (if not already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.117 of 2016 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Tirunelveli, within a period of eight weeks from the date of receipt of a copy of the judgment herein;

iii)that on such deposit being made, the appellants/claimants be and are hereby permitted to withdraw the entire amount after following the due process of law;

iv)that the appellants 3 and 4 are minors, and therefore, their share of compensation amount is ordered to be deposited in any one of the Nationalized Bank until they attain majority and the first appellant be and hereby permitted to withdraw the interest directly from the bank, once in three months in order to maintain the minors; and

iv)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO
The Chief Judicial Magistrate,
Tirunelveli.

Copy to:-
The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

+1 CC to M/s.D.MALAICHAMY, Advocate, SR.No.11296



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CMA(MD). No.631 of 2021

ORDER DATED : 10/03/2022

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DECREE

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CMA(MD)No.631 of 2021

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous Appeal
preferred against the Chief
Judicial Magistrate,
Tirunelveli, dated
30.08.2019 made in
MACOP.No.117 of 2016 etc.,
as stated within.

sp (CO)
TR(18.04.2022) 3P 5C