



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

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

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PRESENT

The Hon`ble Mr.Justice **RMT.TEEKAA RAMAN**

CMA(MD)No.250 of 2018

- 1.Kanimozhi
- 2.Minor Shivani
(Minor 2nd Appellant through her
mother and next friend, 1st Appellant herein)
- 3.Ramalakshmi
- 4.Kadarkarai ... Appellants/Petitioners

Vs

- 1.Murugan Match Works,
1B AVT Padasalai Street,
Sivakasi,
Virudhunagar Dist.
- 2.The Branch Manager,
National Insurance Company Ltd.,
No.7/1, West Car Street,
Sivakasi - 626 124,
Virudhunagar District. ... respondents/respondents

Prayer :-

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award, dated 24.01.2017, passed in M.C.O.P.No.180 of 2013 by the Motor Accident Claims Tribunal/ Principal District and Sessions Court, Virudhunagar District at Srivilliputhur.

Decree:

This Civil Miscellaneous Appeal coming up for final hearing on Thursday the Seventeenth day of March Two Thousand and Twenty Two, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers of the Appeal and upon hearing the arguments of Mr.N.Tamilmani, Advocate for the Appellants, and of Mr.V.J.Kumaravel, Advocate for the 2nd Respondent and 1st Respondent not appeared either in person or by Advocate, and having stood over for consideration till this date, appellants having paid the Court fee, and while modifying the award of the Tribunal and Partly allowing this appeal, this Court doth order and decree as follows:-

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



(i) That, the award of the Principal District and Session Court, Virudhunagar District at Srivilliputhur, dated 24.01.2017 and made in MCOP.NO.180 of 2013 be and is hereby enhanced from Rs.15,54,000/- to Rs.33,64,000/- (Rupees Thirty Three Lakhs and Sixty Four Thousand Only) which shall carry interest at the rate of 7.5% per annum.

(ii) that, the 2nd respondent herein/National Insurance Company Limited be and is hereby directed to deposit the entire compensation of Rs.33,64,000/- (Rupees Thirty Three Lakhs and Sixty Four Thousand Only) (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.180 OF 2013 on the file of the Motor Accident Claims Tribunal/ Principal District and Sessions Court, Virudhunagar District at Srivilliputhur within a period of eight weeks from the date of receipt of a copy of this order .

(iii) that, on such deposit being made by the Insurance company, the appellants 1,3 and 4 herein/the major claimants be and are hereby at liberty to withdraw the same as apportioned by the Tribunal, after following due process of law.

(iv) that, the share of the compensation of the minor 2nd Appellant, be and is hereby directed to be deposited in any one of the nationalized bank until she attains majority and the first appellant be permitted to withdraw the interest directly from the bank, once in three months in order to maintain the minor.

(v) that, there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Principal District and Sessions Judge/
Motor Accident Claims Tribunal,
Virudhunagar District at Srivilliputhur.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai



+1 CC to Mr.N.TAMILMANI, Advocate (SR-14129)

+1 CC to Mr.V.J.KUMARAVEL, Advocate (SR-14041)

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ORDER DATED : 24/03/2022

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DECREE

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CMA(MD). No.250 of 2018

Allowing the CMA(MD).No.250 of 2018 in part, preferred against the award of the Motor Accident Claims Tribunal/ Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, made in M.C.O.P.No.180 of 2013 dated 24.01.2017 and etc. as stated within.

RK(07/04/2022) 3P 6C