



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(CIVIL APPELLATE JURISDICTION)
FRIDAY, THE SIXTH DAY OF MAY TWO THOUSAND AND TWENTY TWO
PRESENT**

**THE HON`BLE MR.JUSTICE RMT.TEEKAA RAMAN
CMA(MD) . NO.479 OF 2018**

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THE MANAGER,,
THE ORIENTAL INSURANCE CO. LTD.
THRO. ITS BRANCH MANAGER
TRICHY ROAD,
THANJAVUR.

... Appellant/Respondent No.2

Vs

1.MINOR.DEVI @ HARSHINI DEVI ...1st Respondent/Petitioner

2.SARMILA BUS SERVICE
NO.1/19 CHEKKADI ST.,
NADUKADAI KALYANAPURAM,
THIRUVAIYARU VATTAM,
THANJAVUR DT..

...2nd Respondent/1st Respondent

[Minor 1st respondent represented through
her father and natural guardian Ganesan]

[2nd respondent given up]

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree passed in M.C.O.P.No.79 of 2015 dated 20/04/2016 on the file of the Motor Accident Claims Tribunal cum Special Sub Court, Thanjavur.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday Twenty Seventh day of April Two Thousand Twenty Two, 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.C.JAWAHAR RAVINDRAN, Advocate for the Appellant and of MR.G.KARNAN, Advocate for the respondent 1, and R2 given up and the allowing the appeal in part and modified the award passed by the tribunal below, having stood over consideration till this day, this Court doth order and decree as follows:-

(1) That the compensation reducing from Rs.22,20,973 to Rs.16,35,153/-(Sixteen laksh and Thirty five thousand and one hundred fifty three only)with interest at the rate of 7.5% per annum, from the date of petition till the date of realisation.



(2) That the Appellant/Insurance Company be and hereby directed to deposit the modified award amount to the credit of M.C.O.P.No.79/2015 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge, Thanjavur, within a period of eight weeks from the date of receipt of a copy of this order, less the amount, if any already deposited.

(3) That on such deposit being made, the Tribunal be and hereby deposit the entire award amount in interest bearing fixed deposit, in any one of the nationalized bank initially for a period of three years, renewable thereafter, till she attains majority. The father and natural guardian of the minor claimant/1st respondent herein be and hereby is permitted to withdraw the interest from the fixed deposit made in favour of the minor claimant, once in three months directly from the Bank and utilize the same for the welfare of the minor claimant.

(4) That the Tribunal is directed to refund the excess award amount, if any, with accrued interest to the appellant/Insurance Company.

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Special Subordinate Judge/
Motor Accidents Claims Tribunal,
Thanjavur.

COPY TO:-

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

+1 CC to M/s.G.KARNAN, Advocate (SR-23470[F] dated 06/05/2022)



WEB COPY

CMA(MD). No.479 of 2018

ORDER DATED : 06/05/2022

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DECREE

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CMA (MD) . No.479 of 2018

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous against the
judgment and decree passed in
M.C.O.P.No.79 of 2015 dated
20/04/2016 on the file of the
Motor Accident Claims Tribunal
cum Special Sub Court,
Thanjavur. etc. as stated
within.

SG (CO)
GC (01.06.2022) 3P 5C