



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

Wednesday, the Twenty Fifth day of January Two Thousand Twenty
Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1393 of 2009

M/S.NATIONAL INSURANCE CO.LTD.,
THROUGH ITS BRANCH MANAGER,
ANGAVILAS BUILDING,
NORTH CAR STREET, NAGERCOIL.

... Appellant/3rd Respondent

Vs

1 RINOSA BANU

2 MINOR.KARISHMA JAHAN

3 SIKKANDAR AMANULLAH

... Respondents 1 to 3/Claimants

4 SURAIYA JAHAN

5 V.VINCENT RAJ

... Respondents 4 & 5/Respondents 1 & 2

6 MUNIYANDI

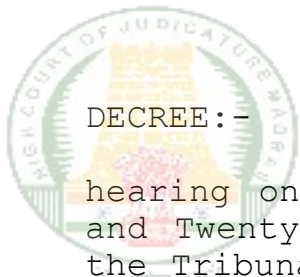
7 THE BRANCH MANAGER,
NEW INDIA ASSURANCE CO.LTD.,
TRICHY.

(The minor 2nd respondent is represented by her mother and natural guardian of the 1st respondent)

... Respondents 6 & 7/Respondents 4 & 5

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 14.03.2008, made in M.C.O.P. No. 28 of 2007 on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, Fast Track Court, Ramanathapuram.

**DECREE:-**

This Civil Miscellaneous Appeal having come up for final hearing on Tuesday, the Twenty Ninth day of November Two Thousand and 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 M/S.P.MALINI, Advocate for the Appellant and of MR.C.GODWIN, Advocate for the 5th respondent, Mr.K.Murugesan, Advocate for the 7th Respondent, the respondents 1 to 4 & 6 are not appear either in person or by an Advocate, having stood over till the date of consideration, while this Court allowed the appeal in part and doth order and decree as follows:-

(1) That the quantum of compensation awarded by the Tribunal be and hereby is reduced from Rs. 13,29,000/- to Rs. 10,65,000/- (Rupees Ten Lakhs and Sixty Five Thousand only)

(2) That the Appellant herein/National Insurance Co. Ltd, be and hereby is directed to deposit the entire compensation of Rs. 10,65,000/- (Rupees Ten Lakhs and Sixty Five 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 and with costs to the credit of M.C.O.P. No. 28 of 2007 on the file of the Motor Accident Claims Tribunal/ Additional District and Sessions Judge, Fast Track Court, Ramanathapuram, within a period of eight (8) weeks from the date of receipt of copy of this order;

(3) That on such deposit being made by the Appellant herein/Insurance Company, the first respondents herein/ 1st claimant be and hereby is permitted to withdraw a share of Rs. 5,00,000/- (Rupees Five lakhs only) and the 3rd respondent herein /3rd Claimant be and hereby is permitted to withdraw a share of Rs.1,65,000/- (Rupees one Lakh Sixty Five Thousand Only) along with proportionate interest at the rate of 7.5% per annum with cost;

(4) that Appellant herein/3rd Respondent be and hereby is entitled to refund of excess amount if any, was deposited;

(5) That the 2nd minor respondent herein/minor Claimant be and hereby is entitled to Rs. 4,00,000/- (Rupees Four Lakhs Only) with proportionate interest, which is ordered to be deposited in any one of the Nationalised Bank until he attain majority;

(6) That the first respondent herein/ 1st Claimant be and hereby is permitted to withdraw the interest directly from the bank, once in three months in order to maintain the minor;

(7) That the Respondents 1 to 3 herein/Claimants be and hereby are not entitled to interest for the default period, if there is any, and



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CMA(MD).



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(8) That there be no order as to costs in the Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

VSD

To

The Additional District and Sessions Judge,
Motor Accident Claims Tribunal,
Fast Track Court, Ramanathapuram.

Copy to:

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

+1 CC to M/s.C.GODWIN, Advocate (SR-3933 dated 25/01/2023)

+1 CC to M/s.P.MALINI, Advocate (SR-4048 dated 25/01/2023)

ORDER DATED : 25/01/2023

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DECREE
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CMA(MD) . No.1393 of 2009

Nature of Decree:- Partly Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 14.03.2008, made in M.C.O.P. No. 28 of 2007 on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, Fast Track Court, Ramanathapuram.

SI(17.02.2023) 3P 6C