



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Twenty Third day of March Two Thousand Twenty Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1602 of 2013

Royal Sundaram Alliance Insurance Company Ltd.,
Sundaram Towers,
No.45 and 46 Whites Road,
Chennai - 600 014.

... Appellant/2nd Respondent

Vs

1. Vijayarani

2. Minor Saradhapriya

3. Minor Abirami

(Minors R2 and R3 are rep. by their mother and natural
Guardian 1st Respondent herein).

4. Brahadambal

...Respondents 1 to 4/Petitioners

5. C. Madheswari

...5th Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of
Motor Vehicles Act, 1988 preferred against the judgment and decree
of the Motor Accidents Claims Tribunal/Additional District and
Sessions Court/Fast Track Court, Pudukkottai, dated 26.04.2012 made
in M.C.O.P.No.326 of 2011.

DECREE:-

This Civil Miscellaneous Appeal having come up for final
hearing on Wednesday, the Eighth day of February, Two Thousand and
Twenty Three, upon perusing the Grounds of Appeal, the award of the
Tribunal and the material papers to the Appeal and upon hearing the
arguments of Mr.S.SRINIVASARAGHAVAN, Advocate for the Appellant and
of Mr.M.SIDDHARTHAN, advocate for the Respondents 1 to 4 and of
Mr.M.K.NOVEMBERGOWDA, Advocate for the 5th respondent, having stood



over for consideration on this day, this Court doth c and
decree as follows:-

(1) That, the award passed by the Motor Accidents Claims Tribunal/Additional District and Sessions Court/Fast Track Court, Pudukkottai, dated 26.04.2012 made in M.C.O.P.No.326 of 2011 be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

(2) that, the Appellant/Insurance Company be and hereby is directed to deposit the compensation of Rs.9,59,000/- (Rupees Nine Lakh Fifty Nine Thousand only) with proportionate interest at the rate of 7.5% per annum from the date of petition till the date of deposit and costs within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited;

(3) that, on such deposit being made, the Tribunal may be permitted the Respondents 1 and 4 herein/claimants 1 & 4 to withdraw their shares as apportioned by the Tribunal with interest and costs, on filing of proper petition before the Tribunal, less any amount, if already withdrawn by them.

(4) that, the Tribunal be and hereby directed to deposit the shares of the minor Respondents 2 and 3 herein/Claimants 2 and 3 in any one of the Nationalized Banks, in a Fixed Deposit Scheme, till they attain majority.

(5) that, the first respondent herein/first claimant who is the mother and guardian of the minor claimants be and hereby permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of the minors.

(6) that, the respondents 1 to 4 herein/Claimants be and hereby not entitled for interest for the default period, if there is any and

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

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To

1.The Additional District Judge,
The Additional District and Sessions Court-
Fast Track Court / Motor Accident Claims Tribunal,
Pudukkottai.

2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-17090[F] dated
23/03/2023)

ORDER DATED : 23/03/2023

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DECREE

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CMA(MD). No.1602 of 2013

Nature of Decree:-

Dismissing the Civil
Miscellaneous Appeal
preferred against the
judgment and decree of
the Motor Accidents
Claims Tribunal/
Additional District and
Sessions Court/Fast Track
Court, Pudukkottai, dated
23.04.2013 made in
M.C.O.P.No.326 of 2011
etc., as stated within.

SI/(08.05.2023) 3P/ 5C