



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Third day of April Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD).No.636 OF 2020

M/s.United India Insurance Co.Ltd.,
Tenkasi,
Tirunelveli District.

Appellant/Respondent

Vs

1.Revathi Sangeetha
2.Minor Liththeesparan
3.Minor Lipatheeswaran
(respondents by their mother
and natueral guardian 1st Respondent)
4.Arunachala Nadar

Respondents/Claimants

Prayer :-

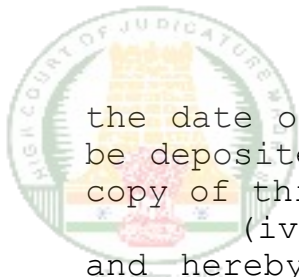
This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 to set aside the fair and decreetal order dated 03/01/2020 made in M.C.O.P.No.330 of 2015 on the file of the Motor Accident Claims Tribunal (Additional Sub Court), Tenkasi.

DECREE: This Appeal coming on for hearing on Friday the Third day of March Two Thousand and Twenty Three, 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.B.Rajesh Saravanan, Advocate for Appellant and of Mr.V.Sasi Kumar, Advocate for the Respondents and this court while Alowing this Civil Miscellaneous Appeal in Part and modifying the award passed by the tribunal below, doth order and decree as follows:

(i)that the award of the compensation be and hereby is reduced from Rs.6,80,000/- to Rs.5,00,000/ (Rupees Five Lakhs Only)

(ii)that the Respondents herein/Claimants be and hereby are entitled to a sum of Rs.5,00,000/ (Rupees Five Lakhs Only) as compensation with interest at the rate of 7.5% from the date of the claim petition till the date of deposit.

(iii)that the Appellant herein/Insuarncce Company be and hereby is directed to deposit of Rs.5,00,000/ (Rupees Five Lakhs



the date of deposit and the amount if not deposited earlier to be deposited within a period of 8 weeks from the date of receipt of copy of this judgment.

(iv) that the first respondent herein/wife of the deceased be and hereby is entitled to Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) with proportionate interest and costs.

(v) that the fourth respondent herein/father of the deceased be and hereby is entitled to Rs.50,000/ (Rupees Fifty Thousand Only) with proportionate interest.

(vi) that on such deposit being made the respondents 1 and 4 are herein/major claimants be and hereby are permitted to withdraw their respective shares, after deducting any amount received by them earlier.

(vii) that the respondents 2 and 3 are herein/minor claimants be and hereby are entitled to Rs.1,00,000/- (Rupees One Lakhs Only) each with proportionate interest.

(viii) that the tribunal be and hereby is directed to deposit the share of the Respondents 2 and 3 are herein/minor claimants in any one of the Nationalised Banks, in a fixed deposit scheme, till they attain majority.

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

(x) that the Respondents herein/Claimants be and hereby are not entitled for interest for the default period, if there is any, excess amount if any shall be refunded to the Appellant herein/Insurance Company.

(xi) that there be no costs in the Civil Miscellaneous Appeal

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

To

1.The Additional Subordinate Judge,
Motor Accidents Claims Tribunal,
Tenkasi.

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



CMA(MD).



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+1 CC to M/s.V.SASI KUMAR, Advocate (SR-19500[F] dated 05/04/2023)

+1 CC to M/s.B.RAJESH SARAVANAN, Advocate (SR-19786[F] dated 06/04/2023)

WEB COPY

ORDER DATED: 03/04/2023

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DECREE

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CMA(MD).No.636 of 2020

Allowing this Civil Miscellaneous Appeal in part as against award of the Motor Accident Claims Tribunal (Additional Sub Court), Tenkasi dated 03/01/2020 made in M.C.O.P.No.330 of 2015 etc., as stated therein

SI/(12.06.2023) 3P/ 6C