



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

Wednesday, the Fifteenth day of March Two Thousand Twenty Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.220 of 2020

&

CMA(MD). No.232 of 2020

CMA(MD). No.220 of 2020

1. Vasanthi
2. Minor Rajesh Rep by Guardian  
Mother Vasanthi
3. Minor Dinesh  
Rep by guardian mother Vasanthi
4. Poochammal

... Appellants in CMA(MD)  
No.220 of 2020 and  
respondents 1 to 4 in  
CMA(MD) No.232 of  
2020 / Claimants

.Vs.

- 1 The Correspondent  
Sri Karunai Ragavaji Vidhyalaya Nursery and,  
Primary School, S.K.Nagar, Mavathur,,  
Tharagampatti-621 311, Karur Dt..  
..1<sup>st</sup> Respondent in CMA  
No.220 of 2020 5<sup>th</sup>  
respondent in CMA(MD)  
232 / 2020 / 1<sup>st</sup>  
Respondent
  - 2 The Manager  
Cholamandalam MS General Insurance Company,  
Ltd, Dare House No.2, NSC Bose Road,  
Chennai - 600 001  
... 2<sup>nd</sup> Respondent in CMA  
220 of 2020 and  
Appellant in CMA(MD)  
232 of 2020 / 2<sup>nd</sup>  
respondent
- (1<sup>st</sup> respondent is given up)

Prayer:-

These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 20.07.2018 in MCOP No.186 of 2015 of the Motor Accident Claims Tribunal, Principal District Judge, Karur respectively.



## DECREE:-

These Civil Miscellaneous Appeals having come up for final hearing on Friday the twenty fourth day of February 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.K.SURESH, Advocate for the Appellant in CMA(MD) No.220 of 2020 and Advocate for first to fourth respondents in CMA (MD) No.232 of 2020 and of Mr.S.SRINIVASA RAGHAVAN, Advocate for the second respondent in CMA(MD) No.220 of 2020 and Advocate for Appellant in CMA(MD) No.232 of 2020, and having stood over for consideration till this date, and while dismissing the CMA(MD) No.220 of 2020 and allowing in part of the CMA(MD) No.232 / 2020, this Court doth order and decree as follows:-

(1) That the compensation is reduced from Rs.16,31,520/- to Rs.15,13,120/- (Rupees Fifteen lakhs thirteen thousand one hundred and twenty only).

(2) That the 1<sup>st</sup> to 4<sup>th</sup> respondents herein/claimants are entitled to a sum of Rs.15,13,120/- (Rupees Fifteen Lakhs thirteen thousand one hundred only) as compensation with interest at the rate of 7.5% from the date of claim petition till the date of realisation.

(3) That the Insurance Company be and hereby is directed to deposit the Rs.15,13,120/- (Rupees Fifteen lakhs thirteen thousand one hundred and twenty only) with 7.5% interest from the date of claim petition till the date of deposit and the amount if not deposited earlier, has to be deposited within a period of eight weeks from the date of receipt of this copy of this order.

(4) That the first respondent herein/first claimant(wife of the deceased) is entitled to Rs.5,13,120/- (Rupees Five lakhs thirteen thousand one hundred and twenty only) with proportionate interest and costs.

(5) That the fourth respondent herein/fourth claimant(mother of the deceased) is entitled to Rs.2,00,000/- (Rupees Two lakhs only) with proportionate interest and costs.

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

(7) That the respondents 2 & 3 herein/minor claimants 2 and 3 are entitled to Rs.4,00,000/- (Rupees Four Lakhs only) each with proportionate interest and costs.

(8) That the tribunal be and hereby is directed to deposit the share of the minor claimants 2 and 3 in any one of the nationalised banks, in a fixed deposit scheme, till they attain majority.

(9) That the first claimant, who is the mother and guardian of the minor claimants, is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of minors.

(10) That the respondents/claimants are not entitled for interest from the time of default period, if there is any.



CMA(MD)



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(11) That the excess amount if any shall be refunded to the appellant/Insurance Company.

(12) That there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/04/2023

Sub Assistant Registrar(CS)

**MRN**

To

THE PRINCIPAL DISTRICT JUDGE,  
MOTOR ACCIDENT CLAIMS TRIBUNAL,  
KARUR.

Copy to:

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

+1 CC to M/s.S.Srinivasa Raghavan, Advocate, in SR.15825 / 2023

+1 CC to M/s.K.Suresh, Advocate in SR.15231 / 2023

ORDER DATED : 15/03/2023

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DECREE

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CMA(MD). No.220 of 2020

&

CMA(MD). No.232 of 2020

Nature of Decree:- Disposing  
the Civil Miscellaneous  
Appeals preferred against  
the Award of the Motor  
Accident Claims Tribunal,  
Principal District Judge,  
Karur made in MCOP No.186  
of 2015 dt.20.07.2018 and  
etc., as stated therein

SI/(19.04.2023) 3P/ 6C