



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MAI



(Civil Appellate Jurisdiction)

Thursday, the Second day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.110 of 2020

ICICI Lombard General INSURANCE COMPANY LTD,
OFFICE AT ICICI LOMBARD HOUSE, 414, VEER SAVARKHAR MARG,
NEAR SIDDHI VINAYAGA TEMPLE, MUMBAI, MAHARASHTRA-400 025.
THROUGH ITS BRANCH MANAGER.

...Appellant/3rd Respondent

Vs

- 1 SARANYA,
- 2 MINOR NEDUNCHEZHIAN,
(MINOR REP BY THEIR MOTHER SARANYA 1st respondent)
- 3 R.MAHALAKSHMI
- 4 T.RAMAIHAH ...Respondent 1 to 4/Petitioner
- 5 R.TAMIL SELVAN
- 6 A.KUNDUMALAI ... Respondents 5 &6/Respondents 1 &2)

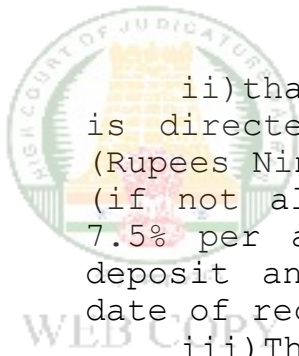
Prayer :-

This Civil Miscellaneous petition filed under section 173 of Motor Vehicle Act.,1988,to set aside the judgment and decree dated 30.1.2018 in MCOP.No.790 of 2016 on the file of the III Additional District Judge, (PCR), Motor Accident-Claims Tribunal, Madurai.

Decree:-

This Civil Miscellaneous Appeal came up for hearing on Wednesday, the Thirtieth day of November, Two Thousand and Twenty Two, upon perusing the grounds of Appeal, the Award of the Tribunal and the material papers available in this case, and upon hearing the arguments of Mr.K.K.Ramakrishnan, Advocate for the Appellant and of Mr.T.Vadivelan, Advocate for R1 to R4 and for the fifth and Sixth Respondents no appearance either in person or by an Advocate. This court having stood over for consideration till this date, and doth order and decree as follows:-

i)that the award of the Motor Accident Claims Tribunal dated 30.1.2018 in MCOP.No.790 of 2016 on the file of the III Additional District Judge, (PCR) cum MACT, Madurai be and here by is confirmed and the Civil Miscellaneous Appeal is dismissed.



ii)that the Appellant herein/Insurance Company, be and hereby is directed to deposit the entire compensation of Rs.19,97,000/- (Rupees Nineteen Lakhs Ninety Seven Thousand and Eight Hundred 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, within a period of eight weeks from the date of receipt of a copy of this order;

iii)That on such deposit being made by the Appellant herein/Insurance Company, the respondents 1,3 and 4 herein/Major Claimants shall be permitted to withdraw the 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;

iv)that the Tribunal be and hereby is directed to deposit the share of the Second Respondent herein/minor Claimant in any one of the Nationalised Banks, in a fixed Deposit Scheme,till he attains majority;

v)that the First respondent herein/Mother and guardian of the minor claimant shall be permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of minor;

vi)that the Respondents herein/Claimants are not entitled for interest for the default period, if there is any;and

vii)that there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

LS

TO

The III Additional District Judge, (PCR) cum MACT,
Madurai.

Copy to:

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

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-5472 dated 02/02/2023)



WEB COPY



ORDER DATED : 02/02/2023

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DECREE

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CMA(MD) . No.110 of 2020

Dismissing the Civil
Miscellaneous Appeal preferred against
judgment and decree dated 30.1.2018 in
MCOP.No.790 of 2016 on the file of the
III Additional District Judge, (PCR),
cum MACT, Madurai.etc. as stated
within.

SI (01.03.2023) 3P/ 5C