



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

Tuesday, the Twenty Ninth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMA(MD) No.1827 of 2013
and
Cros.Obj(MD)No.19 of 2015

CMA(MD) No.1827 of 2013:

Tamil Nadu State Transport Corporation
(Kumbakonam Division II) Limited,
Periyamilaguparai,
Trichy - 620001
Rep. by its Managing Director

.. Appellant/Respondent

-Vs-

1.Meneka
2.Minor Rasika
3.Minor Visal
4.Ranjitham
5.Chinnakunju @ Chinnasamy
6.Ramesh

.. Respondents/Petitioners

(Minor RR 2 & 3 are rep. By their mother
and next friend meneka, the first respondent)

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Order of the Judgment and Decree dated 07.11.2012 and made in M.C.O.P.No.25 of 2012 on the file of the Motor Accident Claims Tribunal, II Additional District Court, Tiruchirapalli.

Cros.Obj(MD)No.19 of 2015:-

1.Meneka
2.Minor Rasika
3.Minor Visal
4.Ranjitham
5.Chinnakunju @ Chinnasamy
6.Ramesh

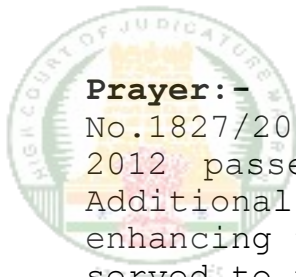
.. Cross Objectors/Respondents 1 to 6

(Minor RR 2 & 3 are rep. By their mother
and next friend Meneka, the first Cross Objection)

Vs.

Tamil Nadu State Transport Corporation
(Kumbakonam Division II) Limited,
Periyamilaguparai,
Trichy - 620001
Rep. by its Managing Director

.. Respondent/Appellant



Prayer:- Petition to prefer this Cross Objection in CMA(MD) No.1827/2013 against the Judgment and Decree in M.C.O.P.No.25 of 2012 passed by the learned Motor Accident Claims Tribunal, II-Additional District Court, Tiruchirapalli dated 07.11.2012 for enhancing the Compensation as Rs.5,00,000/- the Hon'ble Court Notice served to the Cross Objectors/Respondents on 14.11.2013.

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DECREE : This Civil Miscellaneous and Cross Objection Appeal coming on for hearing on Tuesday the Twenty Ninth day of November 2016 upon perusing the grounds of Appeal, the order of the Lower Court, and upon hearing the argument of Mr.P.Prabakaran, Advocate for the Appellant in CMA and for Respondent in Cross Objection and MR.SUDHAGAR NAGARAJ, Advocate for Respondent in CMA and Cross Objectors in the Cross Objection and this Court while dismissing the appeal and allowing the cross objection in part doth order and decree as follows :

i) that the Civil Miscellaneous Appeal be and hereby is dismissed and the Cross Objection be and hereby is partly allowed ;

ii) that the award amount passed by the Motor Accident Claims Tribunal/IIInd Additional District Court, Tiruchirappalli dated 07/11/2012 made in M.C.O.P.No.25/2012 be and is hereby enhanced to Rs.8,87,000/- (Rupees Eight Lakhs Eighty Seven Thousand only) from Rs.8,12,000/- at that rate of 7.5% per annum.

iii) that as the appellant/Transfer Corporation has represented that the entire award amount has already been deposited the appellant/Transport Corporation be and hereby is directed to deposit the enhanced award amount with proportionate interest and costs at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this order ;

iv) that claimants 1,4,5 and 6 are permitted to withdraw their share, as per the ratio of apportionment made by the Tribunal, with proportionate accrued interest and costs through RTGS by filing necessary application before the Tribunal ;

v) that the Tribunal is directed to deposit the share of the minors-second and third respondents in any one of the Nationalised Banks, in a Fixed Deposit scheme, till they attain majority ;

vi) that the first respondent, who is the mother and guardian of the minor claimants, is permitted to withdraw the accrued interest of the minor once in three months directly from the bank, for the welfare of minors only ; and

vii) that there be no costs.

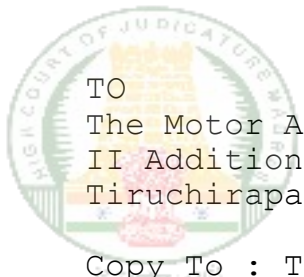
sd/-

Assistant Registrar (CO)

/ TRUE COPY /

<https://hcservices.ecourts.gov.in/hcservices/>

Sub-Assistant Registrar (C.S.)



TO
The Motor Accident Claims Tribunal,
II Additional District Court,
Tiruchirapalli.

Copy To : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

WEB COPY

+1CC to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.74515

+1CC to Mr.P.Prabhakaran, Advocate Sr.No.74136

GJM/GSV/SV/25.1.17-3p-5C

DECREE

IN

CMA(MD) No.1827 of 2013

Date :29/11/2016

Nature of DECREE : Dismiss the Appeal and
Allowing the Cross Objection in Part
preferred against the award passed on the
file of the Motor Accident Claims
Tribunal/IIInd Additional District Court,
Tiruchirappalli dated 07.11.2012 in
M.C.O.P.No.25/2012 as stated within.