



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Twenty Second day of April Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

WEB COPY

CMA (MD) Nos.91 of 2011 and 907 of 2013

SHENBAGAVALLI

... APPELLANT/PETITIONER/CLAIMANT
IN CMA (MD) No.91/2011

THE DIVISIONAL MANAGER,
M/S.TAMIL NADU STATE TRANSPORT CORPORATION,
MADURAI DIVISION-1 LIMITED
BYE PASS ROAD, MADURAI.

... APPELLANT/1st RESPONDENT
IN CMA (MD) No.907/2013

Vs

1 TAMIL NADU STATE TRANSPORT CORPORATION,
MADURAI DIVISION-1 LIMITED
REP. BY ITS DIVISIONAL MANAGER,
BYE PASS ROAD, MADURAI.

2 THANGAVELU
3 V.VEERACHAMY,
M/S.V.V.R.TRANSPORT,
4 SEKAR
5 M/S.UNITED INDIA INSURANCE COMPANY LTD.,
THROUGH ITS DIVISIONAL MANAGER,
PANTHALKUDI ROAD, ARUPPUKOTTAI.

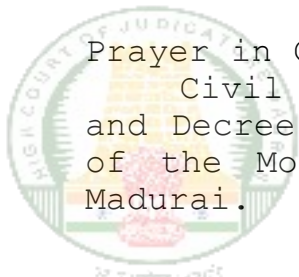
... RESPONDENTS/RESPONDENTS
IN CMA (MD) No.91/2011

1 SHENBAGAVALLI
2 THANGAVELU
3 V.VEERACHAMY
M/S.V.V.R.TRANSPORT,
4 SEKAR
5 THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
PANTHALKUDI ROAD, ARUPPUKOTTAI.

... RESPONDENTS/RESPONDENTS
IN CMA (MD) No.907/2013

Prayer in CMA (MD) No.91/2011:

Civil Miscellaneous Appeal against the order of the Judgement and Decree dated 29.04.2008 made in MCOP.No.1373/2000 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Madurai.



Prayer in CMA(MD). 907/ 2013 :

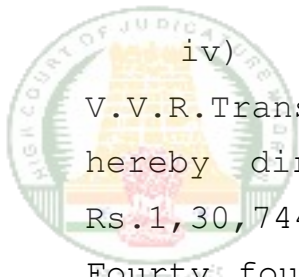
Civil Miscellaneous Appeal against the order of the Judgment and Decree dated 29.04.2008 made in MCOPNo.1373 of 2000 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Madurai.

DECREE : This Civil Miscellaneous Appeal Coming on for hearing on this day and upon perusing the petition of Appeal, the order of the Tribunal, Material Papers of the Appeal, and upon hearing the arguments of MR.J.R.SUBRAMANIAN, Advocate for the Appellant in CMA (MD) No.91/2011, and Mr.M.PRAKASH, Advocate for the Appellant in CMA(MD) No.907/2013, Mr.A.R.SETHUPATHY, Advocate for the first respondent in CMA(MD) No.907/2013, and Mr.G.PRABHU RAJADURAI, Advocate for the fifth respondent in CMA(MD) No.91/2011 and CMA(MD) No.907/2013, this Court while allowing the Appeals in part, doth order and decree as follows :-

i) That, the decree and Judgment dated 29.04.2008 made in MACOP.No.1373/2000 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Madurai, be and hereby are modified and compensation is enhanced from Rs.77,000/- (Rupees Seventy Seven Thousand only) to Rs.1,30,744/- (Rupees One Laksh Thirty Thousand Seven Hundred and Fourty four only).

ii) That, the enhanced compensation shall carry interest at 7.5% P.A. From 22.04.2016 till the date of deposit; and

iii) That the TamilNadu State Transport Corporation who is appellant in CMA(MD) No.907/2013, and first respondent in CMA(MD) No.91/2011, be and hereby directed to pay to the claimant/appellant in CMA(MD) No.91/2011, 50% of the enhanced award amount of Rs.1,30,744/- (Rupees One Laksh Thirty Thousand Seven Hundred and fourty four only) and the V.V.R.Transport and United India Insurance Company Ltd., who are the respondent Nos.3 and 5 in CMA(MD) No.91/2011 and 907/2013 be and are hereby directed to pay remaining 50% of the enhanced compensation amount of Rs.1,30,744/- (Rupees One Laksh Thirty Thousand Seven Hundred and Fourty four only); and



iv) That the Tamilnadu State Transport Corporation, V.V.R.Transport and United India Insurance Company Ltd., be and are hereby directed to deposit the said enhanced award amount of Rs.1,30,744/- (Rupees One Laksh Thirty Thousand Seven Hundred and Fourty four only) together with interest at the rate of 7.5% P.A. Within a period of eight weeks from the date of receipt of a copy of this Judgment, less the amount if any already deposited.

v) That on such deposit the claimants be and are hereby entitled to withdraw the said award amount.

vi) That in all other respects the award dated 29.04.2008 made by the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Madurai in M.C.O.P.No.1373 of 2000, be and hereby is confirmed.

vii) That there be no costs in this Appeal.

sd/-
Assistant Registrar (CS-I)

/ TRUE COPY /

Sub-Assistant Registrar

TO

THE CHIEF JUDICIAL MAGISTRATE,
(MOTOR ACCIDENT CLAIMS TRIBUNAL)
MADURAI.

COPY TO :

THE SECTION OFFICER,
V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

DATED : 22.04.2016

DECREE

CMA(MD) Nos.91/2011 and 907/2013

Nature of DECREE : Allowing these Appeals in part of the award of the Motor Accident Claims Tribunal, Madurai, dated 29.04.2008 made in M.C.O.P.No.1373/2000 and etc., as stated within.