

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Thirteenth day of March Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S. MANIKUMAR

AND

THE HON`BLE MR JUSTICE M. GOVINDARAJ

CMP No.766 of 2017 in CMP NO.11911 of 2016

IN CMA.1578/2016

D.M.MOHAMED FAZIL GANI

[PETITIONER]

Vs

THE MANAGING DIRECTOR
METROPOLITAN TRANSPORT CORPORATION
PALLAVAN SALAI, ANNA SALAI, CHENNAI-2.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim stay dated 02/08/2016 in CMP.No.11911/2016 in CMA.No.1578/2016 against the MCOP.No.330 of 2012 in (CMP No.766 of 2017 in CMP NO.11911 of 2016 IN CMA.1578/2016).

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. SURIYANARAYANAN Advocate for M/S. S.RAVIKUMAR, Advocate for the petitioner and of M/S.S.S.SWAMINATHAN Advocate for the Respondent the court made the following order:-

Quantum of compensation of Rs.30,93,000/-, with interest at the rate of 7.5% per annum, from the date of claim till the date of deposit and costs awarded in MCOP No.330 of 2012 dated 26.08.2015 on the filed MACT [VI Judge, Court of Small Causes], Chennai, to the injured/respondent is questioned on the sole ground that tribunal has erred in awarding compensation to the injured under the head future prospects and accordingly, interest on the same. Question requires to be adjudicated.

2. On 03.03.2017, when the matter came up for hearing Mr.S.S.Swaminathan, learned counsel for the transport corporation submitted that instructions have been issued to the appellant herein to deposit 50% of the award amount with proportionate interest and costs and the same would be complied with before 07.03.2017. On such deposit, we granted permission to the respondent/claimant to withdraw 50% of the amount deposited.

3. Now, Transport Corporation is directed to deposit the balance 50% award amount with proportionate interest and costs, less the statutory deposit, to the credit of the abovesaid MCOP, within six weeks from today, failing which the stay granted on in CMP No.11911 of 2016, shall stand vacated.

4. Compensation awarded under the head future prospects works out to Rs.6,48,000/-.

5. On such deposit, stay is made absolute and except the abovesaid sum awarded towards future prospects, with proportionate interest, respondent/claimant is permitted to withdraw the amount deposited with proportionate interest and costs, by making necessary applications.

6. Compensation amount of Rs.6,48,000/-, with proportionate interest, awarded under the head future prospects, shall be deposited, in any one of the nationalised bank in Fixed Deposit initially for a period of three years under re-investment scheme and renew the same thereafter, or till the disposal of the appeal.

7. CMP No.766 of 2017, is closed, accordingly.

8. Post the appeal after six weeks.

-sd/-
13/03/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE REGISTRAR
SMALL CAUSES COURT,
CHENNAI.

2 THE SECTION OFFICER
VR SECTION, HIGH COURT ,
CHENNAI-104.

C.C. to M/S. S. RAVIKUMAR Advocate on Sr.No.3335

Order

in
CMP.766/2017 in CMP.11911/2016

in
CMA.1578/2016

Date :13/03/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
ADD 20.03.2017