

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Eleventh day of April Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S. MANIKUMAR

and

THE HON`BLE MR JUSTICE M. GOVINDARAJ

CMP NO.5786 OF 2017

IN CMP.20514 OF 2016

IN CMA.2834/2016

1 PUSHPARANI

[PETITIONERS]

2 JEEVABHARATH

3 KOUSHIKA

Vs

1 MANAGING DIRECTOR

[RESPONDENTS]

STATE EXPRESS TRANSPORT CORPORATION (TN) LTD.

NO.1, PALLAVAN SALAI, CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners to withdraw the entire deposit amount with accrued interest lying in the credit of the MCOP No.2107 of 2013 on the file of the Motor Accident Claims Tribunal Special District Court, Salem and to pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

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.S.SURESHKUMAR, Advocate for the petitioner and of MR.J.LOKESH Advocate for M/S.KJ.SIVAKUMAR Advocate on behalf of the Respondents the court made the following order:-

[Order of the Court was made by S.MANIKUMAR, J.]

On 03.01.2017, this Court while granting interim stay of the impugned judgment and decree in CMP No.20514 of 2016, directed the appellant-transport corporation to deposit 50% of the award amount together with interest thereon, less the statutory amount.

2. Mr.J.Lokesh, learned counsel for the appellant-transport corporation submitted that the conditional order has been complied with.

3. Seeking permission to withdraw the amount deposited together with accrued interest, legal representatives have filed CMP No.5786 of 2017 in CMA No.2834 of 2015.

4. Quantum of compensation is the only challenge in this appeal. Going by the methodology adopted by the tribunal for computing the total compensation including loss of contribution to the family, even taking it for granted that if there is some possibility of reduction, yet the same would not be to 50% of the total award.

5. In the abovesaid circumstances, we deem it fit to permit the legal representatives of the deceased/respondents to withdraw the amount deposited with accrued interest.

6. Accordingly, CMP No.5786 of 2017, is ordered.

-sd/-
11/04/2017
/ TRUE COPY /

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

TO

1 SPECIAL DISTRICT JUDGE,
SALEM

2 THE SECTION OFFICER
V.R. SECTION,
HIGH COURT MADRAS.

C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary charges

Order

in
CMP NO.5786 OF 2017
IN CMP.20514 OF 2016
IN CMA.2834/2016

Date :11/04/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
T.R (11/04/2017)