



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Second day of March Two Thousand and Seventeen

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A(MD)No.128 of 2014

Tamil Nadu State Express Transport Corporation Limited,
represented through its
Managing Director,
Anna Salai,
Chennai.

... Appellant/Respondent

Vs.

1.Uma Maheswari
2.Vinoth Kumar
3.Durgadevi
4.Subbiah (died)
5.Pappammal

... Respondents/Petitioners

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 09.10.2012 made in M.C.O.P.No.140 of 2010 on the file of the Motor Accident Claims Tribunal - Additional District Court, Virudhunagar.

DECREE: This Civil Miscellaneous Appeal is coming for hearing on this day, upon perusing the grounds of Appeal, award of the Tribunal below and the material papers of the Appeal and upon hearing the arguments of Mr.P.Prabhakaran, Advocate for Appellant and of Mr.D.Shanmugaraja Sethupathi, Advocate for the Respondents 1 to 3 and 5 and the 4th Respondent has already been died, this Court doth order and decree as follows;

(i) that the Judgment and decree dated 09.10.2012 passed by the Additional District Judge (Motor Accident Claims Tribunal) Virudhunagar in M.C.O.P.No.140 of 2010 be and hereby are confirmed and this Civil Miscellaneous Appeal is dismissed;

(ii)that, the Respondents 1 to 3 and 5 herein/Claimants be and are hereby entitled to receive a sum of RS.12,53,984/- (Rupees Twelve Lakhs fifty Three Thousand Nine Hundred and Eighty Four only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs, as per the apportionment made by the Tribunal as compensation;

(iii) that, the Respondents 1 to 3 and 5 herein/Claimants be and hereby are directed to submit their Savings Bank Account details along with the copies of their passbooks to the Tribunal forthwith;



(iv)that, the Appellant herein/Transport Corporation be and hereby is directed to deposit the entire award amount along with accrued interest and costs, less the amount deposited, if any, to the credit of MCOP No. 140 of 2010 on the file of the Motor Accidents Claims Tribunal -Additional District Court, Virudhunagar, within a period of Eight Weeks from the date of receipt of a copy of this Judgment;

(v)that, on such deposit, the Tribunal be and hereby is directed to transfer the respective share amounts of the respondents 1 to 3 and 5/Claimants to their Personal Savings Bank Account Numbers, through RTGS/NEFT system, within a period of two weeks thereafter; and

(vi)that, there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To
The Additional District Judge,
The Motor Accident Claims Tribunal
Virudhunagar,

Copy to:

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.P.Prabhakaran, Advocate, SR.No. 17268

+1CC to M/S.D.Shanmugaraja Sethupathi, Advocate, SR.No. 16866

DATED : 22.03.2017

DECREE

CMA(MD)No.128 of 2014

Dismissing the Appeal preferred against the award passed by the Motor Accident Claims Tribunal-Additional District Judge, Virudhunagar, dated 09.10.2012, made in M.C.O.P.No.140 of 2010 and etc., as stated within.