



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Seventh day of November Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1400 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation
Periya Milaguparai,
Tiruchirappalli.

... Appellant /1st Respondent

Vs.

1 Papa @ Papammal

...1st respondent /Petitioner

2.Indumathi

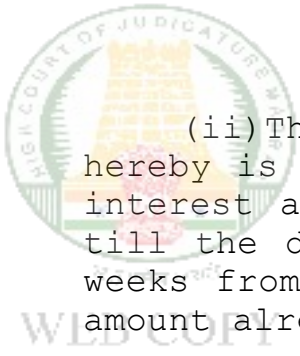
3.The Branch Manager,
Sri Ram General Insurance Company,
406, Bharathiyar Road,
Near Bharat Petroliam,
Opposite of Agriculture Office,
Thala theru, Karaikal.

...2nd and 3rd respondents /
Respondents 2 & 3

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 25.08.2014 made in M.C.O.P No.537 of 2011 on the file of the Motor Accidents Claims Tribunal / Additional District and Sessions Judge, Pudukottai.

DECREE: This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court, and the material records available in this case and upon hearing the arguments of Mr.P.Prabhakaran, Advocate for the Appellant and the respondents having not appeared either in person or through Counsel, this Court while partly allowing the Civil Miscellaneous Appeal and in modification of the award of the Tribunal below doth order and decree as follows:-

(i) That the Compensation payable to the Claimant be and hereby is reduced from Rs.9,17,901/- (Rupees Nine Lakhs Seventeen Thousand and Nine Hundred One Only) to Rs.5,87,901/- (Rupees Five Lakhs Eighty Seven Thousand Nine Hundred and One Only);



(ii) That the Appellant herein/Transport Corporation be and hereby is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any;

(iii) That the first respondent/Claimant be and hereby is permitted to withdraw the award amount, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal;

(iv) That the appellant herein/Transport Corporation be and hereby is permitted to withdraw the balance amount if any; and

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

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

The Additional District and Sessions Judge,
Motor Accidents Claims Tribunal, Pudukottai.

Copy to:

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

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 85810

DATED : 07.11.2017

DECREE

C.M.A.(MD)No.1400 of 2015

Partly allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 25.08.2014 made in MCOP.No.537 of 2011 on the file of the Additional District and Sessions Judge/Motor Accident Claims Tribunal, Pudukottai etc., as stated within.