



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Second day of November, Two thousand and Seventeen

PRESENT

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) Nos. 151 and 688 of 2016

Sethuramalingam

... Appellant in CMA
151/2016 &
Respondent in CMA
688/2016

Vs.

Tamil Nadu State Transport Corporation Ltd.,
through its Managing Director,
No.2, Trivandrum Road,
Vannarpettai,
Tirunelveli.

... Respondent in CMA
151/2016 &
Appellant in CMA
688/2016

These Civil Miscellaneous Appeal are filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 26.03.2014 made in M.C.O.P.No.866 of 2013 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Tirunelveli.

DECREE: This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers in these appeals and upon hearing the arguments of Mr.T.Selvakumar, Advocate for the Appellant in CMA (MD)No.151 and Respondent in CMA(MD)No.688 of 2016 and of Mr.P.Prabhakaran, Advocate for the Respondent in CMA(MD)No.151 of 2016 and Appellant in CMA(MD)No.688 of 2016 this Court while allowing the appeal in CMA(MD)No. 151 of 2016 doth order and decree as follows:

(i)that the award passed by the Motor Accident Claims Tribunal/Special Sub court, Tirunelveli dated 26.03.2014 made in MCOP No.866 of 2013 be and hereby is enhanced from Rs.3,84,600/- (Rupees Three Lakhs eighty four thousand and six hundred only) to Rs.5,00,000/- (Rupees Five Lakhs only) and CMA(MD)No.688 of 2016 is dismissed.

(ii)that the respondent be and hereby is directed to deposit the entire Compensation amount with interest at 7.5% per annum 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) On Such deposit being made, the Claimant be and hereby is permitted to withdraw the said amount with proportionate costs, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

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That there be no costs in these Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal/
Special Sub Court, Tirunelveli.

2. The Record Keeper,
Madurai Bench of Madras High Court, Madurai.

+2cc to Mr. T. SELVAKUMARAN, Advocate, SR.89162, 87527

+2cc to Mr. P. PRABHAKARAN, Advocate, SR.89004, 89005

DATED: 22.11.2017

DECREE

C.M.A. (MD) Nos. 151
and 688 of 2016

NATURE OF THE DECREE: Allowing the C.M.A. (MD) Nos. 151 and 688 of 2016 these Appeal preferred against the Judgment and Decree of the Motor Accident Claims Tribunal/Special Sub Court, Tirunelveli dated 26.03.2014 made in MCOP.866/13 and etc as stated within.

ARUL

KK/MR KKR/SAR 1/18.12.2017/ 3P- 7C/