



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD).No.283 of 2016 and 632 of 2017

The Managing Director,
Tamil Nadu State Express Transport Corporation,
No.2, Pallavan Salai, Chennai.

... Appellant in C.M.A.(MD).No.283 of 2016
... Respondent in C.M.A.(MD).No.632 of 2017

Vs.

1.T.Tamil Selvi
2.Minor.T.Esakki Nandhini
3.Minor T.Tamil Ezhilan
4.G.Krishnammal

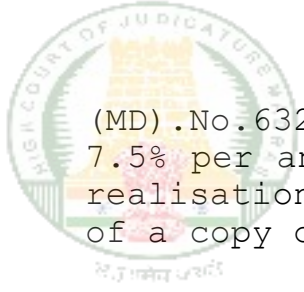
(The Respondent Nos.2 and 3 are minors
and represented by their mother and next
friend first respondent)

... Respondents in C.M.A.(MD).No.283 of 2016
... Petitioners in C.M.A.(MD).No.632 of 2017

COMMON PRAYER IN C.M.A.(MD)No.283 of 2016 and 632 of 2017 : These Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 05.10.2015, in M.C.O.P.No.84 of 2014, on the file of the Motor Accident Claims Tribunal, Principal District Court, Thoothukudi.

DECREE: These Civil Miscellaneous Appeals are coming on for hearing on this day and upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to these cases and upon hearing the arguments of Mr.P.Prabhakaran, Advocate for the Appellant in C.M.A.(MD).No.283 of 2016 and respondent in C.M.A.(MD).No.632 of 2017, and of Mr.S.Siva Thilakar, Advocate for the respondents in C.M.A.(MD).No.283 of 2016 and Appellants in C.M.A.(MD).No.632 of 2017 and this Court, While allowing the Appeal in part in C.M.A.(MD).No.283 of 2016 and dismissing the appeal in C.M.A.(MD).No.632 of 2017 and in modification of the award of the tribunal below, doth order and decree as follows:

1.That the Appellant in C.M.A.(MD).No.283 of 2016 and respondent in C.M.A.(MD).No.632 of 2017 herein/ Tamil Nadu State Express Transport Corporation do pay the modified amount of RS.11,90,000/- (Rupees Eleven Lakhs ninety Thousand Only) to the respondents in C.M.A.(MD).No.283 of 2016 and Appellants in C.M.A.



(MD).No.632 of 2017 herein/Claimants with interest at the rate of 7.5% per annum and cost, from the date of petition till the date of realisation, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any;

2. That on such deposit being made, the respondents in C.M.A. (MD).No.283 of 2016 and Appellants in C.M.A.(MD).No.632 of 2017 herein/Claimants be entitled to withdraw the said compensation in the same ratio and manner laid down in the impugned award dated 05.10.2015, by filing appropriate proceedings before the Tribunal, less the amount already withdrawn by them, if any; and

3. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To
The Principal District Judge ,
Motor Accident Claims Tribunal, Thoothukudi.

Copy to

The Section Officer, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1CC to Mr.S.Sivathilakar, Advocate, SR.No. 88614
+2CC to Mr.P.Prabhakaran, Advocate, SR.No. 89000 & 89001

ORDER DATE : 22.11.2017

DECREE

C.M.A. (MD) .No.283 of 2016 and
632 of 2017

These Appeals have been preferred against the Judgment and Decree dated 05.10.2015 in MCOP No.84 of 2014 on the file of the Motor Accident Claims Tribunal, Principal District Court, Thoothukudi, and etc., as stated within.

AM/SV MMS/SAR 1/02.02.2018/2P/7C