



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

MONDAY, THE EIGHTEENTH DAY OF SEPTEMBER TWO THOUSAND AND SEVENTEEN

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

C.M.A (MD) No.716 of 2017

WEB COPY

- 1.Muthu
- 2.Saranya
- 3.Padma (minor)

[Minor is represented through her mother and next guardian -
1st appellant]

- 4.Sathya
- 5.Pechiammal

... Appellants/Petitioners

Vs

- 1.David Selva Shamji

- 2.The Managing Director,
T.N.S.T.C. Limited,
Bye Pass Road, Madurai,
Represented by Branch Manager,
Ranithottam, Nagercoil,
Kanyakumari District.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the Judgment and Decree of the Chief Judicial Magistrate, Motor Accidents claims Tribunal (The Court of the Chief Judicial Magistrate), Nagercoil, dated 24.09.2013 and made in MCOP No.37 of 2013.

ORDER: This Civil Miscellaneous Appeal coming on for hearing this day upon perusing the grounds of Appeal, the order of the Lower Court, the material papers available in the Appeal and upon hearing the arguments of Mr.G.Aravinthan, Advocate for the Appellants and of Mr.P.Prabhakaran, Advocate for the second Respondent and the first Respondent not appearing either in person or by Advocate, this Court while allowing the Civil Miscellaneous Appeal in part, doth the order and decree as follows:-

(i) That the amount of compensation granted in the Award dated 24.09.2013 passed in MCOP.No.37 of 2013 on the file of the Motor Accidents Claims Tribunal-cum-Chief Judicial Magistrate, Nagercoil be and hereby is enhanced from the Sum of Rs.8,55,000/- (Rupees Eight Lakhs and Fifty five Thousand only) to a sum of Rs.13,02,800/- (Rupees Thirteen Lakhs Two Thousand and Eight Hundred only);

(ii) That the Second Respondent/Transport Corporation be and hereby is directed to deposit the entire Award amount with accrued interests and costs, within a period of Eight Weeks from the date of service of this Order, if not already deposited;

(iii) That on such deposit being made, the major claimants shall be permitted to withdraw their entire share amount along

with proportionate interests and costs as apportioned by the Tribunal below, with out filing any formal petition before the Tribunal below;

(iv) That the minor's share in the Award amount shall be deposited in any one of the Nationalised Bank in renewable Scheme, till the minor attains majority and the interest amount from the said deposit shall be withdrawn by the guardian of the minor directly from the bank once in three months for the welfare of the minor;

(v) And that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate,
Nagercoil.

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

+1cc to Mr. G. ARAVINTHAN, Advocate, SR. 79523

+1cc to Mr. P. PRABHAKARAN, Advocate, SR. 79420

DATED : 18.09.2017

DECREE

CMA (MD) No. 716 of 2017

Nature of the DECREE:

Allowing the Appeal in part preferred against the Award dt. 24.09.2013 in MCOP.No.37/13 on the file of the Motor Accidents Claims Tribunal-cum-Chief Judicial Magistrate, Nagercoil and giving directions etc as stated within.

KK/MR KKR/SAR 1/13.10.2017/ 2P- 5C