



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Fourteenth day of November Two Thousand and Seventeen

PRESENT

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.M.A.(MD)No.405 of 2015

The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Kumbakonam Divion II) Ltd,  
Tiruchirappalli. ... Appellant/Respondent No.1

Vs.

1.Balkeesh Begam  
2.Minor M.Umar Farook  
3.Minor Dhilakarne  
4.Minor Shibana Aswin  
(Minors 2, 3 and 4 are rep.by  
their mother and next friend  
Balkeesh Begam, 1<sup>st</sup> respondent herein)

...Respondents No. 1 to 4/Petitioners 1 to 4

5.A.Venkatraman ...Respondent No.5/Respondent No.2

6.The Branch Manager,  
United India Insurance Company Ltd,  
Trichy, Branch Office, Super Bazaar,  
Shopping Complex, Singarathoppu,  
Trichy. ...Respondent No.6/Respondent No.3

Civil Miscellaneous Appeal filed against the judgment and decree of the Motor Accidents Claims Tribunal, District Judge, Karur dated 19.12.2012 made in MCOP.No.80 of 2009.

**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 this Appeal and upon hearing the arguments of Mr.D.Sivaraman, Advocate for the Appellant and of Mr.M.Bindran, Advocate for Respondents 1 to 4 and of Mr.M.Vedasingh, Advocate for the 6<sup>th</sup> Respondent, while this Court allowing the Appeal in part and modifying the award passed by the Tribunal below, doth order and decree as follows:-

(i) that the award of the Motor Accidents Claims Tribunal, District Judge, Karur dated 19.12.2012 made in MCOP No. 80 of 2009 be and hereby is modified by fixing 50% of the liability the



Appellant herein/Transport Corporation and the remaining 50% of liability to the sixth respondent herein/Insurance Company.

(ii)that the Appellant herein/Transport Corporation and sixth respondent herein/Insurance Company be and hereby are directed to deposit the compensation amount as apportioned above, 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 the order.

(iii)that the Appellant herein/Transport Corporation be and hereby is permitted to withdraw the 50% compensation amount from the sixth respondent herein/Insurance company, if the said amount had been fully deposited.

(iv)that on such deposit being made, the respondents 1 to 4 herein/Claimants be and hereby are permitted to withdraw the same as apportioned by the tribunal by filing proper application, less the amount already withdrawn by the Claimants, if any and

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

The District Judge, Motor Accidents Claims Tribunal, Karur

**Copy to:**

The Record Keeper,

Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.M.Vedasingh , Advocate, SR.No. 87279

+1CC to Mr.M.Bindran, Advocate, SR.No. 87497

+1CC to Mr.D.Sivaraman, Advocate, SR.No. 87090

DATED : 14.11.2017

**DECREE**

CMA(MD)No.405 of 2015

**Nature of the DECREE:**

While allowing the appeal in part and modified the award passed by the tribunal as against the Judgment and Decree of the Motor Accidents Claims Tribunal, District Judge, Karur dated 19.12.2012 made in MCOP No. 80 of 2009.