



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Sixteenth day of November Two Thousand and Seventeen

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.424 of 2015

1.Karuppathal

2.Kannathal

... Appellants/ Petitioners

Vs

1.Pappathi @ Karuppathal

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Kovai Division II),
Chennimalai Road,
Erode.

...Respondents/ Respondents

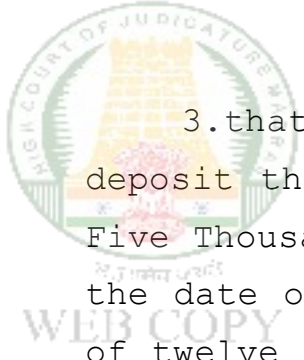
Prayer in CMA(MD)No.424 of 2016:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, against the Judgment and Decree dated 29.04.2014 made in M.C.O.P.No.357 of 2006 on the file of the Motor Accident Claims Tribunal (Sub-Court), Palani.

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 papers in these Appeals and upon hearing the arguments of Mr.M.P.Senthil, Advocate for Appellant, and of Mr.D.Venkatesh, for first Respondent and Mr.M.Kayalarasan, for Second respondent and this Court while modifying the award doth order and decree as follows:-

1. that the award dated 29.04.2014 and made in MCOP No.357 of 2006 on the file of the Motor Accident Claims Tribunal(Sub Court), Palani, be and hereby is modified and Civil Miscellaneous Petition is partly allowed;

2.that the Wife/Claimant be and hereby in MCOP NO. 357 of 2006 is entitled to a sum of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand Only) with interest. The sisters of the deceased are entitled to a sum of Rs.1,00,000/- (Rupees One Lakh Only) each with



3.that, the appellant/Corporation be and hereby is directed to deposit the entire sum of Rs.4,75,000/- (Rupees Four Lakhs Seventy Five Thousand Only) with interest at 7.5% per annum and costs from the date of petition till the date of realization within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any;

4.that on such deposit the Wife/Claimant be and hereby is entitled to withdraw a sum of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand Only) and the sisters are entitled to withdraw a sum of Rs.1,00,000/- (Rupees One Lakh Only) each, by filing proper application before the Tribunal, less the amount already withdrawn by them if any; and

4.that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Motor Accident Claims Tribunal, Palani.
- 2.The Managing Director, Tamil Nadu State Transport Corporation (Kovai Division II), Chennimalai Road, Erode.

Copy to: The Record Keeper,

Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.D.Venkatesh, Advocate, SR.No. 87726

+1CC to Mr.M.P.Senthil, Advocate, SR.No. 87755

ORDER DATED : 16.11.2017

DECREE

C.M.A. (MD) No.424 of 2015

Nature of the DECREE:

Confirmed the appeal preferred against Judgment and Decree of the Motor Vehicle Act, the Sub Court, Palani, dated 29.04.2014 made in MCOP No.357 of 2006, as etc., as stated within.