

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Fourteenth day of February Two Thousand and Seventeen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

CMA(MD) No.88 of 2017

WEB COPY

ALI MOHAMMED

:Appellant/Petitioner

Vs

THE GENERAL MANAGER,
TNSTC(MADURAI)LTD., RANI THOTTAM,
NESAMANI NAGAR, NAGERCOIL, KANYAKUMARI DISTRICT.

:Respondent/Respondent

This Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 03.10.2012 passed in MCOP No.113 of 2010, on the file of the Additional Subordinate Judge, The Motor Accidents Claims Tribunal (The Additional Subordinate Court), Tirunelveli.

ORDER:

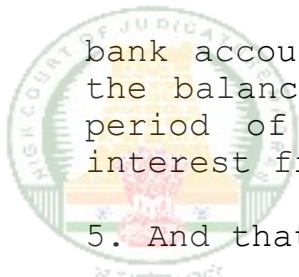
This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.V.Sasikumar, Advocate for the Appellant and of Mr.P.Prabhakaran, Advocate for the Respondent, while Allowing this Appeal, this Court doth order and decree as follows:

1.That the compensation amount of Rs.2,25,000/- (Rupees Two Lakhs and Twenty Five Thousand only) granted by the Tribunal below be and hereby is enhanced to a sum of Rs.24,00,000/- (Rupees Twenty Four Lakhs only) with interest at the rate of 7.5% per annum;

2.That the Appellant be and hereby is not entitled to interest for the enhanced compensation for the delay period of 1420 days in preferring the present Civil Miscellaneous Appeal;

3.That the Respondent Transport Corporation shall deposit the entire Award amount along with interest and costs before the Tribunal below within 12 weeks from the date of receipt of a copy of this Judgment;

4.That on such deposit being made, the Tribunal below shall transfer the amount of Rs.10,00,000/- only (Rupees Ten Lakhs Only) to the bank account of the Claimant, through RTGS, after getting the



bank account details, within a period of one week thereafter, and the balance amount be deposited in a Fixed Deposit at least for a period of ten years and the Appellant is entitled to withdraw interest from the said deposit once in two months for his survival;

5. And that there be no costs in this Civil Miscellaneous Appeal.

(The Appellant has paid the Court fee for the Enhanced Compensation vide USR No.11847 dated 15.03.2019)

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar

TO

THE ADDITIONAL SUBORDINATE JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL JUDGE,
TIRUNELVELI.

Copy To:

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

+1. C.C. to M/S.V.SASIKUMAR Advocate SR.No.8256

+1CC to Mr.P.PRABHAKARAN , Advocate SR.No. 8145.

ORDER DATED :14/02/2017

DECREE

CMA(MD) No.88 of 2017

Nature of Decree:

Allowing the Appeal preferred against the judgment and decree dated 03.10.2012 passed in MCOP.No.113 of 2010 on the file of the MACT/Additional Subordinate Court, Tirunelveli and giving directions etc., as stated therein.

DS/ /SAR- (29.03.2019) 2P 6C