

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Thursday, the Ninth day of March Two Thousand and Seventeen

PRESENT

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI**C.M.A. (MD)No.87 of 2016****and****Cross Objection (MD)No.17 of 2016****C.M.A. (MD)No.87 of 2016**

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
KUMBAKONAM DIVISION-II, PERIYAMILAGUPARAI,
TRICHY DISTRICT-1. ...PETITIONER

/Vs/

SHANMUGAM ... RESPONDENT

Prayer in CMA(MD)No.87 of 2016:

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order and decretal order dated 10.08.2015 made in MCOP No.255/2013 on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli.

Cross Objection (MD)No.17 of 2016

SHANMUGAM ... PETITIONER

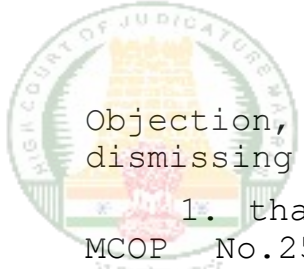
/VS/

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
KUMBAKONAM DIVISION-II, PERIYAMILAGUPARAI,
TRICHY DISTRICT-1. ...RESPONDENT.

Prayer in Cross Objection (MD)No.17 of 2016:

To preferred th above Civil Miscellaneous Appeal before this Hon'ble Court against the order and decretal order passed in MCOP No.255of 2013 dated 10.08.2015 on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli.

DECREE: This Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the order and decretal order of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.P.Prabhakaran, Advocate for the Appellant in CMA and for the Respondent in Cross Objection and of Mr.H.Arumugam, Advocate for the sole Respondent in CMA and for the Cross appellant in Cross



Objection, this Court while partly allowing the Cross Objection and dismissing this Appeal, doth order and decree as follows:

1. that the order and decretal order dated 10.08.2015 made in MCOP No.255/2013 on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli be and hereby are modified, the Civil Miscellaneous Appeal No.87 of 2016 be and hereby is dismissed and the Cross Objection No.17 of 2016 be and hereby is partly allowed;

2.that the award of compensation granted by the Motor Accident Claims Tribunal-cum-Special District Court, Tiruchirappalli in its order dated 10.08.2015 for a sum of RS.1,42,651/- be and hereby is enhanced to Rs.1,51,651/-;

3.That Claimant be and hereby is directed to submit his Savings Bank Account details along with the copy of his passbooks to the tribunal forthwith;

4.that the appellant-Transport Corporation be and hereby is directed to deposit the entire award amount as ordered by this Court along with accrued interest at 7.5% per annum and costs, less the amount already deposited, if any, to the credit of MCOP No.255 of 2013 before the Motor Accident Claims Tribunal-cum-Special District Court, Tiruchirappalli, within a period of eight weeks from the date of receipt of a copy of the Judgment;

5.that on such deposit, the Motor Accident Claims Tribunal-cum-Special District Court, Tiruchirappalli be and hereby is directed to transfer the entire award amount along with accrued interest and costs directly to the Personal Savings Bank Account number of the Claimant, through RTGS/NEFT system, after getting his Account details, within a period of two weeks thereafter;and

6.that there be no costs in this Civil Miscellaneous Appeal the cross Objection as well.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Special District Judge, Motor Accident Claims Tribunal,
Tiruchirappalli.

Copy to:

<https://hcservices.courtsofmadras.gov.in/hcservices>
Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai(2 Copies)



+1cc to M/s.P.PRABHAKARAN Advocate in SR. No.13963 to 13983
+1cc to M/s. C.PADMARAJ Advocate in SR. No.13670 to 13672
+1cc to Mr.N.SUDHAGAR NAGARAJ Advocate in SR. No.13824
+1CC to Mr.Mr.H.Arumugam, Advocate, SR.No. 83576

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ORDER DATED : 09.03.2017

DECREE

C.M.A. (MD) No.87 of 2016
and
Cross Objection (MD) No.17 of 2016

Dismissing this Civil
Miscellaneous Appeal etc., as
stated within.

AM/SKN RSK/SAR 1/23.02.2018/3P/8C