



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Second of November Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) .No.764 of 2015

M/s.State Express Transport Corporation,
Tamil Nadu Division I Limited,
Bye Pass Road,
Chennai-600002.
through its Managing Director ... Appellant/ 1st Respondent.

Vs

S.Nirmala Devi (Died)

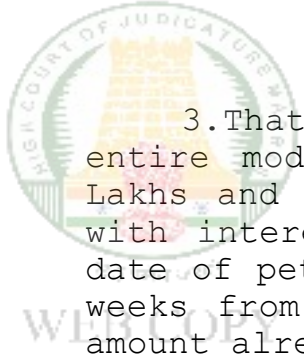
1.S.Karthikeyan
2.S.Vinoth Kumar ... Respondents 1 & 2/Petitioners 2 & 3
3.R.Ravindran
4.M/s.New India Assurance Company Ltd.,
Madurai through its Divisional Manager,
242, Kamarajar Salai,
Madurai 625 009. ... Respondents 3 & 4/Petitioners 2 & 3

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act 1988, against the Judgment and Decreeal order of the IV Additional District Judge, The Motor Accident Claims Tribunal (IV Additional District Court), Madurai dated 25.09.2012 made in M.C.O.P.Nos.1290 of 2007.

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 available in this case, and upon hearing the arguments of Mr.P.Prabhakaran, Advocate for the Appellant, and of Mr.S.Lakshmanan, Advocate for the fourth Respondent, and Respondents R1 to R3 not appearing either in person or by Advocate, while allowing this Appeal in part by modification, this Court doth order and decree as follows:

1. That the Judgment and Decreeal order dated 25.09.2012 made in MCOP No.1290 of 2007 on the file of the Motor Accidents Claims Tribunal(IV Additional District Court), Madurai be and hereby is modified;

2.That the amount of Rs.10,70,000/-(Rupees Ten Lakhs and Seventy Thousand Only) towards compensation awarded by the Tribunal below be and hereby is reduced to a sum of Rs.7,79,253/-(Rupees Seven Lakhs Seventy Nine Thousand Two Hundred and Fifty Three Only);



3. That the Appellant be and hereby is directed to deposit the entire modified compensation amount of Rs.7,79,253/- (Rupees Seven Lakhs and Seventy Nine Thousand Two Hundred and Fifty Three Only) with interest at the rate of 7.5% per annum with costs, from the date of petition till date of realisation, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any;

4. That on such deposit is being made, the claimants are permitted to withdraw the same, as apportioned by the Tribunal below, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal below;

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

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The IV Additional District Judge,
Motor Accident Claims Tribunal/ IV Additional District Court,
Madurai.

Copy to:

The Record Keeper,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1CC to Mr. P. Prabhakaran, Advocate, SR.No. 89003

+1CC to Mr. S. Lakshmanan, Advocate, SR.No. 88714

DATED : 22.11.2017

DECREE

C.M.A. (MD) .No.764 of 2015

Nature of the DECREE: Allowing the Appeal in part by modification, preferred against the Judgment and Decree dated 25.09.2012 in MCOP No.1290/2007 on the file of the Motor Accidents Claims Tribunal, IV Additional District Court, Madurai and giving directions etc., as stated therein.