



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twenty Third day of November Two Thousand and
Seventeen

WEB COPY

PRESENT

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No. 940 of 2016

Tamil Nadu State Transport Corporation
Madurai Division,
Represented by its Managing Director,
Nagercoil.

... Appellant/2nd Respondent

Vs.

1. Rajendran

2. Porkodi

3. Minor Monisha

... Respondents 1 to 3/Petitioners

(The 3rd Respondent is a minor represented
by her father the first respondent)

4. Sridharan

5. The Oriental Insurance Company Limited

Represented by its Branch Manager,
Office at D.D.J. Centre, 1st Floor,
Opp. to Vadasery Bus stand, Vadacery,
Vadasery Village, Nagercoil

... Respondents 4 & 5/Respondents 1 & 3

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decreeal order of the Special Judge, Motor Accident Claims Tribunal/Special Court for forest offence cases, Nagercoil dated 12.03.2015 in M.C.O.P.No.22 of 2014.

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.Xavier Rajini, Advocate for Respondents 1 to 3, and of Mr.K.Bhaskaran, Advocate for the 5th Respondent, and the fourth respondent is being dispensed with, while allowing the Appeal in part by modification, this Court doth order and decree as follows:

(i) That the compensation amount of Rs.12,41,500/- (Rupees Twelve Lakhs Forty One Thousand and Five Hundred) granted under the Motor Accidents Claims Tribunal (Special Court), Nagercoil be

and hereby is reduced to a sum of Rs.11,95,000/- (Rupees Eleven Lakhs and Ninty Five Thousand Only);

(ii) That the Appellant be and hereby is directed to deposit the modified award amount of Rs.11,95,000/- (Rupees Eleven Lakhs and Ninty Five Thousand Only) with interest at the rate of 7.5% per annum and costs, from the date of petition till the 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;

(iii) That on such deposit being made, the major claimants shall be permitted to withdraw their share, as apportioned by the Tribunal, by filing proper application, less the amount already withdrawn by them, if any;

(iv) That the minor's share shall be deposited in any one of the Nationalized Bank till she attains majority and the natural guardian of the minor shall withdraw the interest once in three months;

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Special Judge, Motor Accident Claims Tribunal/Special Court
for forest offences case, Nagercoil.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 88990

+1CC to Mr.S.Xavier Rajini, Advocate, SR.No. 89270

+1CC to Mr.K.Bhaskaran, Advocate, SR.No. 88956

ORDER DATE : 23.11.2017

DECREE

C.M.A. (MD) No.940 of 2016

Nature of the DECREE:

Allowing the Appeal in part preferred against the Judgment and Decree dated 12.03.2015 in MCOP No. 22/2014 on the file of Motor Accident Claims Tribunal (Special Court for forest office Case), Nagercoil and giving directions etc., as stated therein.