



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

C.M.A.[MD].No.1924 of 2013
and
M.P.(MD).No.3 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation,
Tiruchirappalli.

: Appellant

Vs.

1.Manimekalai
2.Ravikumar
3.Kalaiselvan
4.Sumathi

: Respondents

PRAYER: Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 14.08.2012, made in M.C.O.P.No.706 of 2005, on the file of the Motor Accident Claims Tribunal, cum Chief Judicial Magistrate, Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.Sudhagar Nagaraj

JUDGMENT

[Judgment of the Court was made by R.SUBBIAH, J.]

This Civil Miscellaneous Appeal has been filed by the Transport Corporation, challenging the Judgment and Decree dated 14.08.2012, made in M.C.O.P.No.706 of 2005, on the file of the Motor Accident Claims Tribunal, cum Chief Judicial Magistrate, Tiruchirappalli, in and by which, the Tribunal has awarded a sum of Rs.13,89,964/- for the death of the husband of the first claimant in a road accident, which took place on 18.02.2003, involving the bus of the appellant Corporation.

2. The only ground on which the present Civil Miscellaneous Appeal has been filed is that even though the Tribunal has awarded a total sum of Rs.13,89,964/- for the death of the husband of the first claimant, in the operative portion of the Judgment and the Decree, it has been stated as though the Tribunal has awarded a sum of Rs.14,24,964/-. The learned counsel for the appellant, thus, submitted that the above clerical mistake may be rectified and an



Award for a sum of Rs.13,89,964/- may be passed.

3. The learned counsel appearing for the respondents/claimants, on going through the Judgment and the Decree of the Tribunal, fairly submitted that he has no objection for rectifying the above clerical error.

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4. In view of the said submission made by the learned counsel on either side, we are of the considered view, there is no need to traverse into the other aspects of the award passed by the Tribunal. Hence, the amount of Rs.14,24,964/-, as stated in the concluding portion of the Judgment and the Decree, is corrected and there shall be an award for a sum of Rs.13,89,964/-. The appellant - Transport Corporation is directed to deposit the entire award amount with interest at the rate of 7.5% per annum, within a period of four weeks from the date of receipt of a copy of this Judgment, if it is not already deposited so far. On such deposit, the claimants are entitled to their share in the following terms:-

- The First Claimant/wife is entitled to withdraw a sum of Rs.6,69,964/- along with interest at the rate of 7.5%.
- The claimants 2 to 4 are entitled to withdraw a sum of Rs.2,40,000/- each, along with interest at the rate of 7.5%.

5. The Civil Miscellaneous Appeal is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Tiruchirappalli.

Copy To:-

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

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 4064

NB

TE/PM-PN/SAR-III : 07/03/2017 : 2P/4C

JUDGMENT MADE IN
C.M.A. [MD] .No.1924 of 2013 and
M.P. (MD) .No.3 of 2013
25.01.2017