

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

Tuesday, Nineteenth day of September Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.M.A. (MD)No.1143 of 2011****AND****CROS.OBJ(MD)No.6 of 2012****C.M.A(MD)No.1143 of 2011:**

The Managing Director,
Tamil Nadu State Transport Corporation,
Periyamilaguparai,
Trichirappalli-9.

... Appellant/Respondent

Vs.

1.Kalaiselvi
2.Minor Sri Devi
3.Minor Sathishkumar
4.Minor Ispriya @ Iswariya
5.Kamatchi Ammal
(2,3 and 4th Minors rep. through their
Mother 1st respondent)

... Respondents/Petitioners

PRAYER IN C.M.A. (MD)No.1143 of 2011: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 12.08.2009, passed in M.C.O.P.No.466 of 2007 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Kulithalai.

Cross Objection(MD)No.6 of 2012:

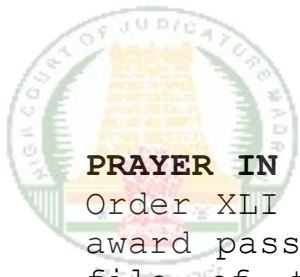
1.Kalaiselvi
2.Minor Sri Devi
3.Minor Sathishkumar
4.Minor Ispriya @ Iswariya
5.Kamatchi Ammal
(Minors 2, 3 and 4 are represented their
mother 1st respondent)

...Cross objectors/Respondents/Petitioners

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Periyamilaguparai,
Trichirappalli-9.

...Respondent/Appellant/Respondent



PRAYER IN CROS.OBJ(MD)No.6 of 2012: Cross Objection is filed under Order XLI Rule 22 of Civil Procedure Code for modification of the award passed in M.C.O.P.No.466 of 2007, dated 12.08.2009, on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Kulithalai.

DECREE: This Civil Miscellaneous Appeal and Cross Objection coming on for hearing on this day, upon perusing the Grounds of Appeal and the Cross Objection, the judgment and decree of the Lower Court and the material papers in the Appeal and upon hearing the arguments of Mr.M.Prakash, Advocate for Appellant in CMA and respondent in Cross Objection and Mr.A.Arumugam, for M/S.Ajmal Associates, Advocate for respondent in CMA and Mr.Sudhakar Nagaraj, Advocate for Cross Objectors in Cross Objection, and doth order and decree as follows:

1.that the Award dated 12.08.2009 made in MCOP No.466 of 2007 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Kulithalai be and hereby is modified by enhancing the award amount from Rs.9,94,000/- (Rupees Nine Lakhs and Ninety Four Thousand Only) to Rs.17,03,000/- (Rupees Seventeen Lakhs and Three Thousand Only) and the Civil Miscellaneous Appeal is dismissed and Cross Objection is partly allowed;

2.that the appellant/Transport Corporation be and hereby is directed to deposit the enhanced compensation amount of Rs.17,03,000/- (Rupees Seventeen Lakhs and Three Thousand Only) along with interest at the rate of 7.5% per annum, from the date of petition till the date of realization and proportionate costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment;

3.that on such deposit being made, the first and fifth claimants are permitted to withdraw their share, as apportioned by the Tribunal;

4.that the tribunal is directed to deposit the share of the minor claimants in any one of the Nationalized Banks, in a fixed deposit scheme, till they attain majority and that the first claimant, who is the mother and guardian of the minor claimants, is hereby permitted to withdraw the accrued interest once in three months directly from the Bank, only for the welfare of the minors; and

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

Sd/-

Assistant Registrar(CO)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To
The Subordinate Judge, Motor Accident Claims Tribunal
Kulithalai.

Copy to:

The Section Officer
V.R.Section,
Madurai Bench of Madras High Court,
Madurai (2 Copies)

+ 1 cc TO Mr.M.Prakash , Advocate in SR No. 79707

DATED : 19.09.2017

DECREE

C.M.A. (MD) No.1143 of 2011
AND
CROS.OBJ (MD) No.6 of 2012

Nature of the DECREE:

Partly allowing this Cross Objection and dismissing the Civil Miscellaneous Appeal preferred against award passed by Motor Accident Claims Tribunal, Sub Court, Kulithalai made in MCOP No.466 of 2007 dt: 12.08.2009 etc., as stated within.

AM/GT/SAR 2/09.03.2018/3P/5C