



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twentieth day of June Two Thousand and Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

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CMA(MD) No.185 of 2018

THE MANAGING DIRECTOR
TAMIL NADU STATE EXPRESS TRANSPORT
CORPORATION LIMITED,
PALLAVAN SALAI,
CHENNAI- 600 002.

...Appellant/2nd Respondent

Vs.

1.P.BABY,

2.MINOR M.B.MARI ANTONY KISHIN,

3.MINOR.M.B.MARIA ANTONY KINUSH,

4.MINOR M.B.MARIA KIRSHIKA

5.P.JESU ADIMAI,

6.A.MARIA GLORY,

...Respondents 1 to 6/Petitioners/
Claimants

7.A.NAGARAJAN,

(The Minors Respondents 2 to 4 rep.

By their natural guardian viz.,

Mother/1st Respondent)

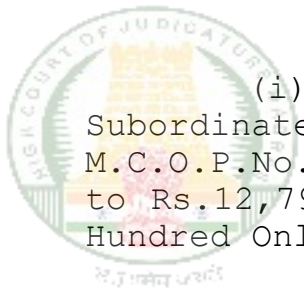
(7th respondent is the driver of the

appellant and that given up) ..7th Respondent / 1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order dated 17.11.2015 made in M.C.O.P.No.171 of 2012 on the file of the Motor Accident Claims Tribunal/ Subordinate Judge, Padmanabhapuram.

DECREE:

This Appeal coming on for hearing on this day, upon perusing the grounds appeal, the award of the Court below and the material papers in the Appeal and upon hearing the arguments of Mr.P.Prabhakaran, Advocate for Appellant and of Mr.N.Dilip Kumar, Advocate for the Respondents, and this court while, Allowing the Appeal in part and modifying the award passed by the Tribunal below, doth order and decree as follows:



(i) That the award of the Motor Accident Claims Tribunal, Subordinate Judge, Padmanabhapuram, dated 17.11.2015 made in M.C.O.P.No.171 of 2012 be and hereby is reduced from Rs.13,66,000/- to Rs.12,79,600/- (Rupees Twelve Lakhs Seventy Nine Thousand and Six Hundred Only) along with interest at the rate of 7.5% per annum.

(ii) That the Appellant herein/Transport Corporation do deposit the entire compensation amount of Rs.12,79,600/- (Rupees Twelve Lakhs Seventy Nine Thousand and Six Hundred Only), less the amount already deposited if any, with accrued interests and costs, within a period of eight weeks from the date of receipt of copy of the judgment.

(iii) That on such deposit being made, the Respondents 1,5 & 6 / Claimants shall withdraw the deposited amount with accrued interests and costs, as apportioned by the tribunal, without filing any formal petition before the tribunal.

(iv) That the shares of the Respondents 2 to 4 herein/Minor claimants shall be deposited in any one of the Nationalized banks and the first respondent herein / Natural Guardian shall withdraw the interest accrued therein once in three months.

(v) That the Respondents 1,5 and 6 / Claimants 1,5 and 6 shall withdraw the deposited amount with accrued interests and costs, as apportioned by the tribunal, without filing any formal petition the tribunal.

(vi) That there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Padmanabhapuram.

Copy to

The Record Keeper,
VR.Section,
Madurai Bench Of Madras High Court,
Madurai. (2Copies)

+1CC to Mr.P.Prabhakaran, Advocate in SR.No.68823.

<https://hcservices.ecourts.gov.in/hcservices/>
+1CC to Mr.N.Dilip Kumar, Advocate in SR.No.69217.



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ORDER DATED:20.06.2018

DECREE

CMA (MD) No.185 of 2018

Nature of Decree:

While Allowing the appeal in part and modifying the award passed by the tribunal below preferred against the award of the MACT, Subordinate Judge, Padmanabhapuram, dated 17.11.2015 made in M.c.O.P.No.171 of 2012.

DS/SKN-RSK/SAR-4 :18.07.2018: 3P/6C