



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

WEB COPY

Wednesday, Ninth day of March Two Thousand Twenty Two

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A (MD) No.935 of 2018

The General Manager,
Karaikudi Region,
Tamil Nadu State Transport Corporation,
Karaikudi.

:Appellant/Fourth respondent

.vs.

1.A.Sabapathi

2.Sree Kumar

3.Minor Vijai Kumar

(Minor third respondent is represented by his father
and next friend,the first respondent herein A.Sabapathi)

4.K.R.Rajendran

5.The General Manager,
Trichy Region,
Tamil Nadu State Transport Corporation,
Trichy.

6.A.Bhaskaran :Respondents/Petitioners and
Respondents 1,2 and 3

(Respondents 4 and 6 are drivers of the appellant and 5th respondent
is the sister Corporation of appellant and hence they are given up)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act 1988, against the award and decree made in
M.C.O.P.No.604 of 2012, dated 12.08.2013, on the file of the Motor
Accidents Claims Tribunal/The Additional District and Sessions
Court, Dindigul.



DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.P.Prabhakaran, Advocate For the Appellant, Mr.S.A.Ajmal Khan, Advocate For Respondent 1 to 3, none appeared for Respondent No.2 either in person or through Counsel and R4 to R6 are Given up, this Court while partly allowing this Appeal, doth order and decree as follows:-

- i)that the award made in M.C.O.P.No.604 of 2012, dated 12.08.2013, on the file of the Motor Accidents Claims Tribunal/The Additional District and Sessions Court, Dindigul, be and hereby is modified.
- ii)That this Civil Miscellaneous Appeal is partly allowed.
- iii)that the compensation amount awarded by the Tribunal is reduced from Rs.43,80,676/- to Rs.41,57,496/- (Rupees Fourty one lakhs Fifty Seven thousand four hundred and ninety six only) with interest at the rate of 7.5%p.a. from the date of claim petition till the date of realisation.
- iv)That the appellant/Transport Corporation be and hereby is directed to deposit the modified award amount with accrued interest and costs, less the award amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order.
- v)That on such deposit being made, claimants be and hereby are permitted to withdraw their share in the award amount with accrued interest and costs, as per the ratio of apportionment made by the Tribunal, by filing necessary application before the Tribunal.
- vi)that the Tribunal be and hereby is directed to refund the balance award amount, if any, with accrued interest to the appellant/Transport Corporation.
- vii)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The Motor Accidents Claims Tribunal/
The Additional District and Sessions Court,
Dindigul.

Copy to:

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

+1 cc to M/s.S.A.Ajmal Khan, Advc, SR11017

+1 cc to M/s.P.Prabhakaran, Advc, SR10855

Dated : 09/03/2022

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Decree

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C.M.A (MD) No.935 of 2018

partly Allowing C.M.A
(MD) No.935 of 2018
filed against the
decree made in
M.C.O.P.No.604 of
2012, dated
12.08.2013, on the
file of the Motor
Accidents Claims
Tribunal/The
Additional District
and Sessions Court,
Dindigul, etc., as
stated therein.,

MGJ(29.03.2022) 3P 6C