



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CMA(MD)No.803 of 2019

and

CMP(MD)No.10432 of 2019

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation
Division -I
Bye pass Road,
Madurai.

... Appellant/1st Respondent

versus

1. Dhanalakshmi ... Respondents 1 and 2/Petitioners
2. Minor D.Suvathi
(The Minor 2nd Respondent is represented by her mother and
natural guardian-the first respondent herein)
3. A.Malaisamy
4. M.Santhi ... Respondents 3 and 4/Respondents 2 and 3

Appeal filed under Section 173 of Motor Vehicles Act, 1988,
against the Judgment and Decree dated 22.04.2015 made in
M.C.O.P.No.93 of 2013 on the file of the Motor Accident Claims
Tribunal (Special District Court for MCOP cases), Madurai.

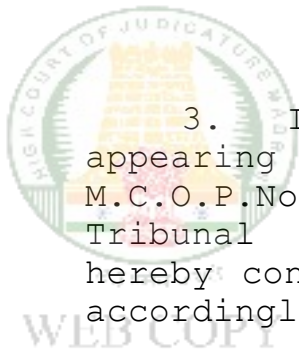
For Appellant : M/s.P.Prabhakaran

JUDGMENT

One M.Durai Kannan, aged about 28 years, working as a Driver
and earning a sum of Rs.12,000/- p.m., met with an accident on
01.02.2009 and succumbed to the injuries sustained by him, for
which, his legal heirs filed a petition before the Motor Accident
Claims Tribunal (Special District Court for MCOP cases), Madurai,
in M.C.O.P.No.93 of 2013, claiming compensation of Rs.20,00,000/-.
The Tribunal, after considering the oral and documentary evidence,
has awarded a sum of Rs.8,80,000/-, which is payable by the
Transport Corporation, along with interest at the rate of 7.5%
p.a. from the date of petition till the date of deposit.
Aggrieved over the same, the Transport Corporation has filed the
present Civil Miscellaneous Appeal.

2. Today, when the appeal came up for hearing, the learned
counsel appearing for the appellant submitted that the present
appeal has been filed challenging the quantum of compensation.
However, he submits that considering the fact that cost of living
has been increasing day-by-day, as of now, the award passed by the
Tribunal seems to be reasonable and hence, the compensation
awarded by the Tribunal may be confirmed.

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3. In view of the submission made by the learned counsel appearing for the appellant, the award dated 22.04.2015 made in M.C.O.P.No.93 of 2013 on the file of the Motor Accident Claims Tribunal (Special District Court for MCOP cases), Madurai, is hereby confirmed and the Civil Miscellaneous Appeal is dismissed accordingly.

4. The appellant Transport Corporation is directed to deposit the entire award amount along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall transfer the major claimant's share amount (as per the apportionment made in M.C.O.P.No.93 of 2013) to her Bank Account directly through RTGS, within a period of three weeks thereafter. The share of the minor claimant/2nd respondent shall be deposited in any one of the Nationalized Banks till she attains majority in a Fixed Deposit re-investment scheme and the interest accrued thereon shall be payable to her mother, viz. 1st claimant/1st respondent, once in six months by the Bank directly under intimation to the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Special District Judge,
Special District Court for MCOP cases,
Madurai.

Copy to

The Section Officer

Vernacular Section

Madurai Bench of Madras High Court, Madurai-2 copies

+1 CC to Mr.P.PRABHAKARAN, Advocate (SR-97201[F] dated 11/11/2019)

C.M.A. (MD)No.803 of 2019

08.11.2019

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