



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

Thursday, the Twenty First day of November Two Thousand and Nineteen
PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.819 of 2019

WEB COPY

The Managing Director,
Tamil Nadu State Express Transport Corporation
Having its Office at
Gandhipuram Coimbatore.

... Appellant/1st Respondent

Vs

1 Siva Subramanian
2 Rajalakshmi
3 Minor Punitha

4 Minor Subhashree
(the Minor respondents 3,
and 4 rep. by their father)

... Respondents 1 to 4/Petitioners

5 V.Mythili

6 The Manager
New India Assurance Company limited,
No. 75e/3, 2nd Floor, Thillai Nagar, Trichy.

... Respondent 5 and 6/Respondents 2 &3

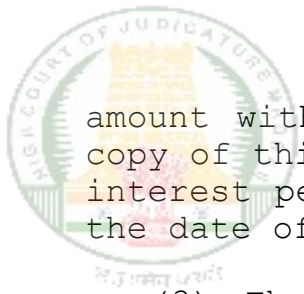
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award and decree made in M.C.O.P.No.1177 of 2017, dated 20.12.2018, on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur.

DECREE:-This Civil Miscellaneous Appeal having come up for final hearing on this date, 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 and of MR.N.TAMILMANI, ADVOCATE FOR R1 TO R4, MR.J.S.MURALI, ADVOCATE FOR R6, NO APPEARANCE EITHER IN PERSON OR BY AN ADVOCATE FOR R5, and this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal/Special District Judge, Thanjavur, dated 20.12.2018 made in M.C.O.P.No.1177 of 2017, be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) That both the Appellant Transport Corporation and the Insurance Company be and hereby is directed to deposit their respective award



amount within a period of ten weeks from the date of receipt of a copy of this Judgement, less the amount already deposited, with 7.5% interest per annum, from the date of filing the claim petition till the date of realization.

(3) That since this Court has granted ten weeks time to the appellant transport Corporation to deposit the award amount in the appeals, any order of attachment passed by the Tribunal stands set aside, and in case, if the appellant transport Corporation or the Insurance Company failed to deposit the award amount, as directed by this Court, the claimants are at liberty to proceed to recover the award amount from transport Corporation as well as Insurance Company thereafter, in accordance with law.

(4) That the Tribunal be and hereby is directed to transfer the entire amount of the account of claimants, by way of RTGS, within a period of three weeks from the date of deposit and if the amount is already deposited, on receipt of a copy of this judgement, transfer the entire amount to the account of the claimants; and

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To
The Judge,
The Motor Accident Claims Tribunal/Special District Court,
Thanjavur

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.P.PRABHAKARAN, Advocate, SR-100416

ORDER DATED :21/11/2019

DECREE (4/5)

CMA(MD). No.819 of 2019

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal preferred against the award and decree made in M.C.O.P.No.1177 of 2017, dated 20.12.2018, on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur as stated within etc.,