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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Seventeenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.854 of 2016 and CMA(MD).No.381 of 2017 and
CMP(MD).NO.7969 of 2016

THE MANAGING DIRECTOR,,
TAMIL NADU STATE TRANSPORT CORPORATION ,
OFFICE AT VANNARAPETTAI TIRUNELVELI..
.... Appellant/Respondent
in CMA(MD). No.854 of 2016
Respondent/Respondent in
CMA(MD).No.381 of 2017

Vs

1 KRISHNAN,

2 VELAMMAL

3 SELVARANI ... Respondent/Petitioners
CMA(MD). No.854 of 2016
Appellants/Petitioners in
CMA(MD).No.381 of 2017

Common Prayer:-

Both the Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree made in M.C.O.P.No.608 of 2013 dated 27.01.2014 on the file of Motor Accident Claims Tribunal (I Additional District Court) Tirunelveli

DECREE:-

These Civil Miscellaneous Appeals 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 Appeallant in CMA(MD). No.854 of 2016, and Advocate for the Respondent in CMA(MD).No.381 of 2017 and of Mr.T.SELVAKUMARAN, Advocate for the respondents in CMA(MD). No.854 of 2016, and Advocate for the Appeallants in CMA(MD).No.381 of 2017 while this Court dismissing the CMA(MD). No.854 of 2016, and Allowing the CMA (MD).No.381 of 2017 in part and this court while observes that the Transport Corporation has already deposited the entire award amount along with interest before the Tribunal and this Court while granting interim stay in the appeal filed by the Transport Corporation has permitted the claimants 1 and 3 to withdras a sum of Rs.1 ½ lakhs each and the second claimant to withdraw Rs.2 lkhs and also directed the Tribunal to deposit the balance amount in Indian Bank, Madurai Bench of Madras High Court Branch, Madurai, initially

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for a period of one year renewable thereafter periodically, till the disposal of the appeal, doth order and decree as follows:-

(1)that the award passed by the Motor Accident Claims Tribunal (I Additional District Court)Tirunelveli, dated 27.01.2014 made in M.C.O.P.No.608 of 2013 be and hereby is enhanced by Rs.1,00,000/- along with interest @ 7.5% p.a from the date of petition till the date of deposit.

(2)that the Appeallant herein/Transport Corporation be and hereby is directed to deposit the enhanced amount of Rs.1,00,000/- which is awarded over and above the compensation awarded by the Tribunal, together with interest @ 7.5% from the date of petition till the date of deposit, within a period of 6 weeks from the date of receipt of copy of this judgment.

(3)that on further deposit of enhacned compensation being made, the Tribunal be and hereby is directed to transfer the balance of the respective share of the claimants to their respective Bank account through RTGS within a period of three weeks from the date of deposit of enhanced compensation amount.

(4) That there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

TO

The MOTOR ACCIDENT CLAIMS TRIBUNAl.
I ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI

Copy to:

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

+2 CC to Mr.P.PRABHAKARAN, Advocate, SR-92516, SR-92515
+1 CC to Mr.T.SELVAKUMARN, Advocate, SR-92821

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ORDER DATED : 17/10/2019

DECREE

CMA(MD). No.854 of 2016 and
CMA(MD).No.381 of 2017 and
CMP(MD).NO.7969 of 2016

Nature of Decree:- Dismissing the CMA (MD).No.854 of 2016 and Partly Allowed in CMA(MD). No.381 of 2017 preferred against the judgment and decree passed by the Motor Accident Claims Tribunal(I Additional District Court) Tirunelveli, dated 27.01.2014 made in M.C.O.P.No.608 of 2013 etc as stated within

DB(CO)
TR(25.10.2019) 3P 7C

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