



IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.3804/2019

1. Deivanai, w/o Late Moorthi
2. Minor Nandhini D/o.Late Moorthi
(Minor is rep.by her next friend
and mother 1st Petitioner)

... Appellants/Petitioners

Vs.

The Managing Director,
Tamilnadu State Transport Corporation
(Salem) Limited,
12, Ramakrishna Road, Salem - 636 007

... Respondent/Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 08.03.2018 made in M.C.O.P.No.631 of 2015 on the file of Motor Accidents Claims Tribunal/III-Additional District Judge, Salem.

DECREE:- This Civil Miscellaneous Appeal coming on for hearing/on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.C.Thangaraju, Advocate for the Appellants and of Mr.D.Venkatachalam, Advocate for the Respondent and the Appellants/Petitioners having paid the Additional Court fee for the enhanced amount awarded by this Court vide V.S.R.No.15802, dated 14.10.2020, this court while allowing the Civil Miscellaneous Appeal in part by modifying the award of the Tribunal, doth order and decree as follows:-

- 1.That the award of the Tribunal be and hereby is enhanced to Rs.25,85,000/- (Rupees Twenty Five Lakhs Eighty Five Thousand only) from Rs.8,57,540/- (Rupees Eight Lakhs Fifty Seven Thousand Five Hundred and Forty only) (Tribunal award)
- 2.That the compensation amount shall carry interest@7.5% per annum;



3. That Respondent/Transport Corporation be and hereby is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% per annum from the date of petition till the date of deposit.

4. That on such deposit, being made, the first appellant/mother of the deceased be and hereby is entitled to withdraw a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) with interest, and that the second Appellant/Sister of the deceased be and hereby is entitled to withdraw a sum of Rs.5,85,000/- (Rupees Five Lakhs Eighty Five thousand only) with interest, on due Application;

5. That in other aspects the award of the Tribunal do stand

6. That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gm

To

1. The III Additional District Judge,
The Motor Accidents Claims Tribunal,
Salem.

Copy to:

The Section Officer,
Vernacular Records,
High Court,
Madras - 104



WEB COPY

ORDER DATED: 27.07.2020

ORDER

C.M.A.NO.3804 of 2019

Partly allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 08.03.2018, made in M.C.O.P.No.631 of 2015 on the file of the Motor Accidents Claims Tribunal III Additional District Judge, Salem, etc., as stated therein.

BR (CO)
SU (28/07/2021)