

IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. No.2307 of 2016 and Cross Objection No.112 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division II,
Periyamilaguparai, Trichy 1

... Appellant/Respondent in CMA No.2307 of 2016
...Respondent/Respondent in
Cross Objection No.112 of 2021

Vs.

1.Sellappappu
2.Sellamuthu

... Respondents/Petitioners
in CMA No.2307 of 2016
...Cross Objectors/Petitioners
in Cross Objection No.112 of 2021

Prayer:Appeal against the order of the Motor Accident Claims Tribunal, Principal District Court, Namakkal dated 03/04/2014 and made in MCOP No.311 of 2011.

DECREE:These Appeal and Cross Objection coming on for hearing on this day, upon perusing the grounds of Appeal, the Judgment and decree of the Lower Court and the material records in this case and upon hearing the arguments of Mr.Ma.P.Thangavel, Advocate for the Respondents in CMA No.2307 of 2016 and for Cross Appellants in Cross Objection No.112 of 2021 and of Mr.D.Venkatachalam, Advocate for the Appellant in CMA No.2307 of 2016 and Respondent in Cross Objection No.112 of 2021 this Court, while allowing the Civil Miscellaneous Appeal and Cross Objection in part filed by the Transport Corporation and Claimants respectively and in modification of the award of the tribunal, doth order and decree as follows;

i)That the award passed by the Motor Accident Claims Tribunal, Principal District Court, Namakkal, dated 03/04/2014 made in MCOP No.311 of 2011 be and hereby modified by enhancing the award of compensation from Rs.13,44,000/- (Rupees Thirteen Lakhs Forty Four Thousand only) to Rs.17,72,000/- (Rupees Seventeen Lakhs and Seventy Two Thousand only) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit;

ii)That the Appellant herein/Transport Corporation in CMA No.2307 of 2016 and Respondent herein/Transport Corporation in Cross Objection No.112 of 2021 be and hereby is directed to deposit a sum of Rs.11,51,800/- (Rupees Eleven Lakhs Fifty One Thousand Eight Hundred only) being 65% of the amount awarded by the tribunal alongwith interest and costs, less the amount already deposited if any within a period of twelve (12) weeks from the date of receipt of a copy of this Judgment;

iii)That on such deposit being made the Respondents 1 & 2 herein in CMA No.2307 of 2016/Appellants in Cross Objection No.112 of 2021/Claimants be and hereby are permitted to withdraw their respective share of the award amount as per the apportionment fixed by the tribunal along with proportionate interest and costs less the amount if any already withdrawn by filing necessary petitions before the tribunal;

iv)That the Appellant herein/Transport Corporation be and hereby is permitted to withdraw the excess amount lying in the deposit to the credit of MCOP No.311 of 2011 if the entire amount has already been deposited by them;

v)That there be no order as to costs in this Civil Miscellaneous Appeal;

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vkr
To

The Motor Accident Claims Tribunal,
Principal District Court,
Namakkal.

Copy to

The Section Officer,
V.R Section,
High Court, Madras.

+1cc to Mr.Ma.P.Thangavel, Advocate Sr.107

Dated:23/12/2021

DECREE

C.M.A. No.2307 of 2016 and Cross
Objection No.112 of 2021

Allowing the Civil Miscellaneous
Appeal and Cross Objection in
part preferred on the file of the
Motor Accident Claims Tribunal,
Principal District Court,
Namakkal dated 03/04/2014 made in
M.C.O.P NO.311 of 2011 etc., as
stated within.

vbm[co]
srg 27/04/2022