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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.2093 of 2018

1.Manonmani

2.Priya

3.Revathi

4.Minor Sasikala

5.Minor Madheswaran

6.Bakkiyam @ Sivabakkiyam

...Appellants/petitioners

(Minor Petitioner Nos.4 & 5 are
represented their next Friend
Guardian Mother Manonmani)

Vs

The Managing Director,
Tamilnadu State Transport Corporation Limited,
No.37, Mettupalayam Road, Coimbatore.

... Respondent/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, against the award dated 12.03.2018 made
in M.C.O.P.No.698 of 2011 on the file of the Motor Accident
Claims Tribunal, Subordinate Court, Sankari.

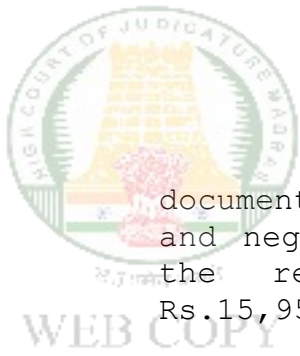
For Appellants : Mr.T.S.Arthanareeswaran

For Respondent : Mr.D.Venkatachalam

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the
judgment and decree dated 12.03.2018 made in M.C.O.P.No.698 of
2011 on the file of the Motor Accident Claims Tribunal,
Subordinate Court, Sankari.

2.The appellants are the claimants in M.C.O.P.No.698 of 2011
on the file of the Motor Accident Claims Tribunal, Subordinate
Court, Sankari. They filed the above said claim petition,
claiming a sum of Rs.10,00,000/- as compensation for the death of
one Subramanian in the accident that took place on 23.08.2011.



3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by driver of the respondent and directed the respondent-Transport Corporation to pay a sum of Rs.15,95,000/- as compensation to the appellants.

4.Not being satisfied with the amounts awarded by the Tribunal, the appellants have come out with the present appeal seeking enhancement of compensation.

5.Though, the appellants have preferred the present appeal challenging the quantum of compensation awarded by the Tribunal, when the matter is taken up hearing today i.e on 30.04.2021, the learned counsel for the appellants submitted that the compensation awarded by the Tribunal is just and fair and the same may be confirmed.

6.The learned counsel for the respondent submitted that the respondent-Transport Corporation has not preferred any appeal against the award passed by the Tribunal.

7.In view of the above submissions made by the learned counsel for the appellants as well as the respondent, this Civil Miscellaneous Appeal is dismissed and a sum of Rs.15,95,000/- awarded by the Tribunal as compensation to the appellants-claimants, along with interest and costs is confirmed.

8.The respondent-Transport Corporation is directed to deposit the award amount along with interest and costs, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.698 of 2011 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sankari. On such deposit, the appellants 1 to 3 & 6 are permitted to withdraw their respective share of the award amount as per the ratio of apportionment fixed by the Tribunal along with proportionate interest and costs after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal.

9.The Tribunal is directed to transfer the respective share of award amount to the appellants by way of RTGS, within a period of three weeks from the deposit or from the date of receipt of the Bank details obtained for the claimant or application made by the appellant for withdrawal, whichever is later. The Tribunal is also directed to deposit the share of the minor appellants 4 & 5 in any one of the Nationalized Banks, till the minor appellants 4 & 5 attain majority. On such deposit, the



1st appellant, being the Mother of the minor appellants 4 & 5 is permitted to withdraw the accrued interest once in three months for the welfare of the minor appellants 4 & 5. No costs.

Sd/-

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Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To:

1.The Motor Accident Claims Tribunal,
The Subordinate Judge, Sankari.

2.The Section officer,
V.R.Section,
High Court, Madras.

+lcc to Mr.K.J.Sivakumar, Advocate SR.No.26913

C.M.A.No.2093 of 2018

AD(CO)
CB(09/12/2021)