



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE TMT.JUSTICE S.KANNAMMAL

C.M.A.No.2616 of 2014

1.S.Santhi
2.S.Bhuvaneswari
3.S.Surendar
4.S.Kavitha (Minor)
5.M.Rajammal
(Minor rep. By her mother and
next friend, 1st appellant) .. Appellants/Petitioners

Vs.

Metropolitan Transport Corporation
[Chennai Division] Limited,
rep. By its Managing Director,
Pallavan Salai,
Chennai 600 002. .. Respondent/Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 17.04.2014 made in M.C.O.P.No.4768 of 2008, on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.I, Chennai.

Decree : This Civil Miscellaneous Appeal coming on for hearing as to admission 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.R.Kalai Araasan, Advocate for the Appellant and Mr.K.Moorthy, Advocate for the Respondent wherein the Appellant/Petitioner having been paid the Additional Court Fees in respect of the enhanced award amount while filing of this Civil Miscellaneous Appeal itself have paid the Additional Court Fees in respect of the enhanced award amount vide SR.No.28586 dated 23.09.2021 wherein the Appellant having deposited Rs.701/- award amount as per directions of this Court in CMA No.2616/2014 dated 30.07.2021 and having stood over for consideration till this day, this Court while allowing the Civil Miscellaneous Appeal modifying the award of the Tribunal, doth order and decree as follows:



1) that the award passed by the Motor Accidents Claims Tribunal, Special Sub Court No.I, Chennai dated 17.04.2014 made in M.C.O.P.No.4768 of 2008, be and hereby is enhanced from Rs.16,19,500 to Rs.19,70,100/- (Rupees Nineteen lakhs seventy thousand one hundred only) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit;

2) that the Respondent/Transport Corporation be and hereby is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of twelve weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.4768 of 2008, on the file of the Special Subordinate Judge No.I, (Motor Accidents Claims Tribunal), Chennai.

3) that on such deposit, the appellants/Claimants 1 to 3 and 5 be and hereby are permitted to withdraw their respective share of the award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal.

4) that the share of the minor 4th appellant/claimant be and hereby is directed to be deposited in any one of the Nationalized Banks, till the minor 4th appellant attains majority.

5) that on such deposit, the 1st appellant/claimant being the Mother of the minor 4th appellant be and hereby is permitted to withdraw the accrued interest once in three months for the welfare of the minor 4th appellant.

6) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar



To

1.The Special Subordinate Judge No.I,
(Motor Accidents Claims Tribunal),
Chennai.

2.The Section Officer,
VR Section, High Court, Madras.

+lcc to Mr.K.Moorthy, Advocate SR.No.37325

DATED : 30/07/2021

DECREE :

C.M.A.No.2616 of 2014

Allowing the Civil
Miscellaneous Appeal preferred
against the judgment and decree
dated 17.04.2014 made in
M.C.O.P.No.4768 of 2008, on the
file of the Motor Accidents
Claims Tribunal, Special Sub Court
No.I, Chennai etc., as stated
therein.

KG(CO)
GMY(16/11/2021)