

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3538 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram ... Appellant/2nd Respondent

Vs.

1. K.M.R. Eswaran ... 1st Respondent/Claimant
2. Susila Eswaran ... 2nd & 3rd Respondent/1st Respondent
3. S.M. Sivalingam .. 3rd Respondent/1st Respondent
4. Rasi Enterprises
Rep. by its Share Holder
K. Senthilkumar ... 4th Respondent/3rd Respondent
5. ICICI Lombard General Insurance Company Ltd.,
Salem - 9 ... 5th Respondent/4th Respondent

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree dated 16.09.2016 made in M.C.O.P.No.177 of 2008 on the file of the Motor Accident Claims Tribunal, III Additional District cum Session Judge, Gobichettipalayam.

Order: This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the award of the Tribunal below, and upon hearing the arguments of Mr.Ma.Pa.Thangavel, advocate for the Appellant and of M/s.R.Sreevidhya, advocate for the respondent-5 and this court observed that the Insurance Company have already deposited 30% of the award amount on the file fo the Motor Accident Claims Tribunal, III Additional District cum Sessions Judge, Gobichettipalayam, and this Court doth order and decree as follows:

1.that the judgment and decree passed by the Tribunal in MCOP.No.177/2008 dated 16/09/2016 confirmed and the appeal is dismissed.

2.That the appellant herein/Transport Corporation be and hereby is directed to deposit the entire award amount (70%) awarded by the Tribunal below together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization less the amount, if any, already deposited to the credit of MCOP.No.177/08 on the file of the Motor Accident Claims Tribunal, III additional District cum Sessions Court, Gobichettipalayam, within a period of four weeks from the date of receipt of a copy of this judgment.

3.That on such deposit being made, the tribunal be and hereby is directed to transfer the award amount directly to the bank account of the Respondents herein/claimant through RTGS, within a period of two weeks thereafter as per the ratio of apportionment fixed by the tribunal.

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

Sd/-
Assistant Registrar(I)

// True Copy //

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
III Additional District cum Session Judge,
Gobichettipalayam

Copy to:
The Section Officer,
V.R. Section,
High Court, Madras.

+1cc to Mr.K.J.Sivakumar, Advocate SR.No.51664
+1cc to Mrs.R.Sreevidhya, Advocate SR.No.51951
+1cc to Mr.Ma.P.Thangavel, Advocate SR.No.51792

Order Dated:01/10/2021

CMA.No.3538 of 2017

Nature of the Decree: Dismissing
the Appeal preferred against the
award and decree dated 16/09/2016
made in MCOP.No.177/2008 on the
file of Motor Accident Claims
Tribunal, III Additional District
cum-Sessions Court,
Gobichettipalayam, etc., as
stated within.

BS (CO)

CB(12/01/2022)