



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Sixteenth day of February Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice PUSHPA SATHYANARAYANA
AND

The Hon`ble Mrs.Justice S.KANNAMMAL

CMA(MD)No.384 of 2012

AND

CMA(MD)No. 238 of 2015

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
KUMBAKONAM DIVISION IV LTD.,
PILLAITHANNEERPANDAL, THIRUMAYAM ROAD,
PUDUKKOTTAI.

... Appellant/Respondent in CMA(MD)No.384/2012 /
2nd Respondent/Respondent in CMA(MD)238/2015

/ VERSUS /

1 SEENIVASAN

... 1st Respondent/2nd Claimant in CMA(MD)No.384/2012 /
1st Respondent/1st Petitioner in CMA(MD)238/2015

2 S.SATHYANARAYINI

... 2nd Respondent/2nd Claimant in CMA(MD)No.384/2012 /
Appellant /2nd Petitioner in CMA(MD)238/2015

(R2 DECLARED AS MAJOR. THE GUARDIANSHIP OF R1 IS DISCHARGED VIDE COURT ORDER, DATED 08.08.2017 MADE IN CMP(MD)NOS.5419 AND 5420/2017 IN CMA(MD)NO.384/2012)

(1st RESPONDENT DISCHARGED THE GUARDINASHIP OF THE MINOR PETITIONER IN CMA(MD)NO.238/2015 VIDE COURT ORDER, DATED 25.01.2016 MADE IN MP (MD)NO.1/2015 IN CMA(MD)NO.238/2015)

Appeals filed under Section 173 of Motor Vehicle Act, 1988 preferred against the decree and judgment, dated 25.07.2011 made in MCOP No.204 of 2011 on the file of the Motor Accident Claims Tribunal cum Additional District and Sessions Judge, Pudukkottai.

DECREE : These Civil Miscellaneous Appeals coming up for hearing on this day, upon perusing the Grounds of Appeals, decree and judgment of the Tribunal below and the material papers of the appeals and upon hearing the arguments of Mr. K.Mahendran, Advocate for the Appellant in CMA(MD)No.384/2012 and for the 2nd Respondent in CMA(MD)No.238/2015 and of Mr.T.Lajapathi Road, Advocate for the 1st Respondent in the both CMA(MD)Nos. 384/2012 AND 238/2015 and of Mr.P.Venugopal, Advocate for Mr.T.Leninkumar, Advocate for the 2nd Respondent



in CMA(MD)No.384/2012 and for the Appellant in CMA(MD)No.238/2015, this Court while allowing the CMA(MD)No.238/2015 in Part and dismissing the CMA(MD)No.384/2012, doth order and decree as follows ;

1. That, the award of the Motor Accident Claims Tribunal cum Additional District and Sessions Judge, Pudukkottai, dated 25.07.2011 passed in MCOP No.204 of 2011 be and hereby is enhanced to a sum of Rs.43,10,573/- (Rupees Forty Three Lakhs Ten Thousand Five Hundred and Seventy Three only) from Rs.38,34,909/- and the interest awarded by the Tribunal do stand ;

2. that, the apportionment made by the Tribunal be and hereby is maintained in respect of a sum of Rs.38,34,909/- and the Appellant in CMA(MD)No.238/2015/Claimant, is entitled to get the entire enhanced compensation awarded by this Court ;

3. that, the Appellant in CMA(MD)No.384/2012 /Transport Corporation be and hereby is directed to deposit the entire modified award amount together with accrued interest and costs, less the amount already deposited, to the credit of MCOP No.204 of 2011 on the file of the Motor Accidents Claims Tribunal (Additional District and Sessions Judge/Fast Track Court), Pudukkottai, within a period of twelve weeks from the date of receipt of copy of this judgment ;

4. that, on such deposit being made, the Claimants be and hereby are entitled to withdraw their respective share with accrued interest and costs and

5. That, there be no costs in these Civil Miscellaneous Appeals.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The Motor Accident Claims Tribunal cum Additional District and Sessions Judge, Pudukkottai.

Copy to:

The Record Keeper,V.R. Section,
Madurai Bench of Madras High Court, Madurai (+ 2 COPIES)



WEB COPY

CMA(MD)No.384 of 2012

+2 CCs to M/s.T.LENIN KUMAR, Advocate (SR-5493 & 5494)

ORDER DATED : 16/02/2021

=====

DECREE

=====

CMA (MD) Nos.384 of 2012
AND CMA (MD) Nos.238 of 2015

NATURE OF DECREE : Allowing the CMA(MD) No.238/2015 in Part and dismissing the CMA (MD)No.384/2012 preferred against the decree and judgment, dated 25.07.2011 made in MCOP No.204 of 2011 on the file of the Motor Accident Claims Tribunal cum Additional District and Sessions Judge, Pudukkottai and etc. as stated within.

SGS (CO)
TR(05.03.2021) 3P 6C