



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1968 of 2013

M/S.TAMIL NADU STATE TRANSPORT
CORPORATION (KUMBAKONAM DIVISION-II) LIMITED.,
REP.BY ITS MANAGING DIRECTOR ,
PERIYAMILAGUPARAI, TRICHY-620 001..

... Appellant / Respondent

-Vs-

- 1 BASHIRUNNISHA,
- 2 MINOR.RAHAMADUNISSA,
(MINOR RESPONDENT NO.2, REPRESENTED
BY HER MOTHER RESPONDENT NO.1) .
- 3 JOHN BASHA,
- 4 SAMSHAD BI,

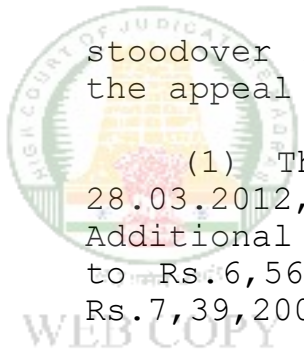
... Respondents / Claimants

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree made in M.C.O.P.No.687 of 2010, dated 28.03.2012, on the file of the Motor Accident Claims Tribunal / Ist Additional District Court, Tiruchirappali.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Thursday, the Twenty third of September Two thousand and twenty one (23.09.2021), upon perusing the grounds of Appeal, the records of the Tribunal and the material papers to the Appeal and upon hearing the arguments of P.PRABHAKARAN, Advocate for the Appellant and of N.SUDHAGAR NAGARAJ, Advocate for the Respondents and having



stoodover for consideration till this day and this Court allowing the appeal in part, doth order and decree as follows:-

(1) That the award passed in M.C.O.P.No.687 of 2010, dated 28.03.2012, on the file of the Motor Accident Claims Tribunal / Ist Additional District Court, Tiruchirappali be and hereby is reduced to Rs.6,56,000/- (Rupees, Six lakhs fifty six thousand only) from Rs.7,39,200/- passed by the Tribunal below;

(2) that the Appeallant/Transport Corporation be and hereby is directed to deposit the compensation of Rs.6,56,000/- (Rupees, Six lakhs fifty six thousand only) along with interest at 7.5% p.a from the date of petition till date of deposit and with cost within a period of 8 weeks from the date of receipt of copy of the judgment, if not already deposited;

(3) that on such deposit being made, the Respondents 1,3 and 4/ here in major claimants be and are hereby permitted to withdraw their respective shares as per ratio fixed by the Tribunal with proportionate interest after deducting any amount received by them earlier;

(4) that the Tribunal be and hereby is directed to deposit the Share of the Respondent 2 / herein minor claimant in any one of the Nationalised Bank, in a Fixed Deposit Scheme , till she attains majority.

(5) that the first respondent herein/Mother of the minor claimant be and hereby is permitted to withdraw the accrued interest once in three months directly from the bank, only for welfare of minors;

(6) that the respondents herein/Claimants be and hereby are not entitled for interest for the default period, if there is any default.

(7) that Appellant/Transport corporation be and hereby is entitled to withdraw excess amount, if there is any.

(8) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal,
Ist Additional District Court, Tiruchirappali.

Copy to:

The Section Officer,

<https://hcservices.ecourts.gov.in/hcservices/>
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies



+1 CC to M/s.P. PRABHAKARAN, Advocate (SR-34188 dated 11/11/2021)

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-34195 dated 11/11/2021)

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ORDER DATED : 23/09/2021

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DECREE

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CMA(MD) . No.1968 of 2013

Nature of Decree:- Allowing the appeal in part the Civil Miscellaneous Appeal preferred against the judgment and decree made in M.C.O.P.No.687 of 2010, dated 28.03.2012, on the file of the Motor Accident Claims Tribunal / Ist Additional District Court, Tiruchirappali etc. as stated with in.

MGJ(04.12.2021) 3P 6C