



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

Thursday, the Second day of September Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.664 of 2014

and

CROSS OBJECTION(MD) .No. 21 of 2015

WEB COPY

CMA(MD) . No.664 of 2014

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM DIVISION II) LIMITED,
PERIYAMILAGUPARAI,
TIRUCHIRAPPALLI-1.

... Appellant/Respondent

Vs

1.K.SHANTHI
2.MINOR K.YATHESHAN
3.MINOR K.SHABARISHAN

(THE MINOR RESPONDENTS 2 & 3 ARE REPERSENTATED BY THEIR MOTHER &
NEXT FRIEND, THE FIRST RESPONDENT)

4.PUSHBAM

... Respondents/Petitioners

Prayer in CMA(MD) . No.664 of 2014:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award and decree of the Motor Accident Claims Tribunal/ Special District Court, Tiruchirappalli, dated 28.06.2013 made in M.C.O.P. No. 8 of 2013.

CROSS OBJECTION(MD) .No. 21 of 2015

1.K.SHANTHI
2.MINOR K.YATHESHAN
3.MINOR K.SHABARISHAN

(THE MINOR RESPONDENTS 2 & 3 ARE REPERSENTATED BY THEIR MOTHER &
NEXT FRIEND, THE FIRST RESPONDENT)

4.PUSHBAM

... Cross objector/ Respondents

Vs

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION
(KUMBAKONAM DIVISION II) LIMITED,
PERIYAMILAGUPARAI,
TIRUCHIRAPPALLI-1.

... Respondent/Appellant

Prayer in CROSS OBJECTION(MD) .No. 21 of 2015:-

Cross Objection filed under Order 41 Rule 22 of C.P.C., against the award and decree made in M.C.O.P. No. 8 of 2013, dated 28.06.2013 on the file of the Motor Accident Claims Tribunal/

<https://hcservices.ecourts.gov.in/hcservices/>



Special District Court, Tiruchirappalli, for enhancing the compensation as Rs. 5,00,000/-.

DECREE: -

This Civil Miscellaneous Appeal having come up for final hearing on Thursday the twelfth day of August Two Thousand and Twenty One, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR. P. PRABHAKARAN, Advocate for the Appellant in CMA (MD).No. 664 of 2014 and respondents in CROSS OBJECTION No.21 of 2015 of MR. N. SUDHAGAR NAGARAJ, Advocate for the respondents in CMA(MD).No. 664 of 2014 and Cross objector in CROSS OBJECTION No.21 of 2015, having stood over consideration of till this date, this Court doth order and decree as follows:-

(1)That the award passed by the Motor Accident Claims Tribunal/ Special District Court, Tiruchirappalli, dated 28.06.2013 made in M.C.O.P. No. 8 of 2013, be and hereby is confirmed and the Civil Miscellaneous Appeal No. 664 of 2014 is dismissed and the Cross Objection No. 21 of 2015 is allowed in part;

(2)That the award is enhance from Rs. 12,38,000/- (Rupees. Twelve lakhs Thirty eight thousand only) to Rs. 15,88,840/- (Rupees. Fifteen lakhs Eighty eight thousand eight hundred and forty);

(3)That the Appellant in Civil Miscellaneous Appeal and respondent in Cross objection herein/Transport Corporation be and hereby is directed to deposit Rs.15,88,840/- (Rupees. Fifteen lakhs Eighty eight thousand eight hundred and forty) as compensation along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit and with costs within a period of eight (8) weeks from the date of receipt of copy of the judgment; if not already deposited.

(4)That on such deposit being made, the respondents 1 and 4 in Civil Miscellaneous Appeal and Cross objector 1 & 4 herein/major claimants 1 & 4 be and hereby are permitted to withdraw their respective share as per ratio fixed by the Tribunal with proportionate interest after deducting any amount received by them earlier;

(5)That shares of the minor respondents 2 & 3 in Civil Miscellaneous Appeal and cross objector 2 & 3 herein/claimants 2 and 3 shall be deposited in any one of the Nationalised Banks, in a Fixed Deposit scheme, till they attain majority;

(6)That the 1st respondent in Civil Miscellaneous Appeal and 1st cross objector herein/ 1st claimant, who is the mother and guardian of the minor Claimants, be and hereby is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of minors;



(7) That the Respondents in Civil Miscellaneous Appeal and cross objectors herein / Claimants be and hereby are not entitled for the interest for the default period, if there is any default and

(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 Special District Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
Tiruchirappalli.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+2 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-26098 dated 12/08/2021 and SR-28162 dated 03/09/2021)

+2 CC to M/s.P.PRABHAKARAN, Advocate (SR-27925 & SR-27926 dated 02/09/2021)

ORDER DATED : 02/09/2021

DECREE

**CMA(MD) . No.664 of 2014
and**

CROSS OBJECTION(MD) .No.21/ 2015

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal and partly allowed in Cross objection, both are preferred against the the award and decree of the Motor Accident Claims Tribunal/ Special District Court, Tiruchirappalli, dated 28.06.2013 made in M.C.O.P. No. 8 of 2013. etc. as stated within.

RS (27.09.2021) 3P 8C

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