



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

Thursday, the Twenty Fifth day of March Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD) . No.1053 of 2018

THE BRANCH MANAGER,
TAMILNADU STATE TRANSPORT CORPORATION ,
KUMBAKONAM LTD.. .. Appellant/Respondent

Vs

1 SUGANTHA DEVI

2 MINOR SADHURHASAN
S/O.LATE.BALAGANAPATHY,
(MINOR REP BY HIS MOTHER
and Guardian the 1ST RESPONDENT)

3 R.SIVASUBRAMANIAN

4 P.PANDIAMMAL

.. Respondents/Petitioners

Prayer:-

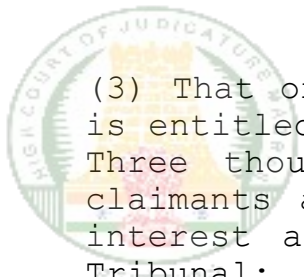
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award, dated 05.05.2017 passed in MACOP No.325 of 2013 on the file of Motor Accident Claims Tribunal (Special District Court), Madurai.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of P. PRABHAKARAN, Advocate for the Appellant and of S.J. CHAKKARAVARTHY, Advocate for the respondents, this Court while partly allowing this Appeal with modification doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal (Special District Court), Madurai dated 05.05.2017 made in MACOP No.325 of 2013 be and hereby is modified and the award is reduced from Rs.45,61,362/- (Rupees Fourty Five Lakhs, Sixty One Thousand three hundred and Sixty two only) to Rs.38, 93, 190/-(Rupees Thirty Eight Lakhs, Ninety Three Thousand one Hundred and Ninety only).

(2) That the Appellant/Transport Corporation be and hereby is directed to deposit the modified award amount together with interest at 7.5% from the date of petition till the date of deposit, less the amount already deposited, within a period of 6 weeks from the date of receipt of copy of this judgment.



(3) That on such deposit being made, the 1st claimant be and hereby is entitled to withdraw Rs.15,93,190/- (Rupees Fifteen Lakhs, Ninety Three thousand one Hundred and Ninety only) and the 3rd and 4th claimants are each entitled to withdraw Rs.5,00,000/- with accrued interest and costs without filing any formal petition before the Tribunal;

(4) That the Minor 2nd respondent/2nd claimant be and hereby is entitled to Rs.13,00,000/- (Rupees Thirteen Lakhs only), Insofar as the share of the Minor 2nd Claimant is concerned, the Tribunal is directed to deposit his share in any one of the Nationalised Bank, in a fixed deposit Scheme initially for a period of three years renewable thereafter, till he attain majority.

(5) that the 1st claimant/mother and guardian of Minor 2nd respondent /2nd Claimant be and hereby is permitted to withdraw the accrued interest once in three months directly from the bank for the welfare of the Minor 2nd claimant; and

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

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Special District Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL, Madurai.

Copy to:

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

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-13518 dated 25/03/2021)

25.03.2021

Decree

CMA(MD)No.1053 of 2018

Partly allowing this Civil Miscellaneous Appeal by modifying the award passed by the Special District Judge, MACT Madurai, in M.C.O.P.No.325/2013dated 05.09.2017.