



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

Monday, the Fifteenth day of February Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI
CMA(MD) . No.495 of 2017

THE BRANCH MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION
TN-63-N-1527 BUS DIVISION-3 KARAIKUDI
SIVAGANGAI DISTRICT

..Appellant / Respondent

Vs

- 1 VEMBULATHA
W/O.GANAPATHY, 1050, AGRAHARAM, PERUNGALLOOR
POST, PUDUKKOTTAI TALUK AND DISTRICT..
- 2 MUTHU
S/O.LATE. GANAPATHY, 1050, AGRAHARAM,,
PERUNGALLOOR POST, PUDUKKOTTAI TALUK AND,
DISTRICT..
- 3 MINOR DINAKARAN
S/O.LATE. GANAPATHY, 1050, AGRAHARAM,,
PERUNGALLOOR POST, PUDUKKOTTAI TALUK AND,
DISTRICT. R3 ARE REP.THRO HIS MOTHER &,
NATURAL GUARDIAN R1..
- 4 MINOR RAMPRIYA
D/O..LATE. GANAPATHY, 1050, AGRAHARAM,,
PERUNGALLOOR POST, PUDUKKOTTAI TALUK AND DISTRICT
R3&R4 ARE REP.THRO their MOTHER &,
NATURAL GUARDIAN R1..
- 5 AMMONI
W/O..LATE. GANAPATHY, 1050, AGRAHARAM,,
PERUNGALLOOR POST, PUDUKKOTTAI TALUK AND,
DISTRICT

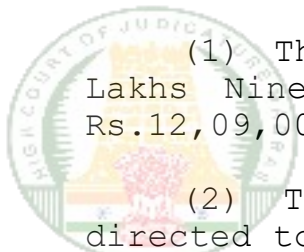
..Respondents / Petitioners

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Additional District-cum-Special Court, Motor Accident Claims Tribunal, Pudukottai in MCOP No.688 of 2014 dt.04.03.2016.

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 MR.P.PRABHAKARAN, Advocate for the Appellant and of Mr.A.BALAJI, Legal Aid Counsel for the respondents while modifying the award of the Tribunal and partly allowing the appeal, this Court doth order and decree as follows:-



(1) That the award is reduced to Rs.10,93,750/- (Rupees Ten Lakhs Ninety three thousand seven hundred and fifty only) from Rs.12,09,000/-.

(2) The appellant Transport Corporation be and hereby is directed to deposit the modified award amount together with interest @ 7.5% p.a. from the date of petition till the date of deposit, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment.

(3) That on such deposit being made, the first claimant be and hereby is entitled to withdraw Rs.3,43,750/- and the second claimant be and hereby is entitled to withdraw Rs.2,00,000/- and the fifth claimant be and hereby is entitled to withdraw Rs.1,50,000/- with accrued interest and costs.

(4) That the third and fourth (minor) claimants be and hereby are entitled to Rs.2,00,000 /- (Rupees Two lakhs only) each, in-sofaras the share of the minor claimants 3 and 4 are concerned, the Tribunal be and hereby is directed to deposit their share in any one of the nationalised bank, in a fixed deposit scheme initially for a period of three years renewable thereafter, till they attain majority.

(5) That the first claimant/being the mother and guardian of minors is permitted to withdraw the accrued interest once in three months directly from the Bank for the welfare of the minor children. and

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

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1) The Additional District-cum-Special Court,
Motor Accident Claims Tribunal,
Pudukottai.

Copy to:

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

2.The Officer incharge,
High Court Legal Service Committee,
Madurai Bench of Madras High Court,
Madurai



+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-5035 dated 15/02/2021)

+1 CC to M/s.A.BALAJI, Advocate (SR-5718 dated 17/02/2021)

ORDER DATED : 15/02/2021

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DECREE

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CMA(MD). No.495 of 2017

Nature of Decree:- Partly allowing the Civil Miscellaneous Appeal preferred against the award of the Additional District-cum-Special Judge, Motor Accident Claims Tribunal, Pudukottai made in MCOP No.688 of 2014 dated 04.03.2016 and etc., stated therein

KB(20.04.2021) 3P 7C