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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A. Nos.1183 and 3082 of 2021

Tamil Nadu State Transport Corporation Ltd.,
3/137, Salamedu,
Vazhuthareddy,
Villupuram.

...Appellant/1st Respondent in
C.M.A.No.1183 of 2021
... 5th Respondent/1st Respondent
in C.M.A.No.3082 of 2021

vs.

1. Aroquia Mari
2. Minor O.Nishith
3. Minor Ashmith
4. Valankanni

... Respondents 1 to 4/Petitioners
(in both CMA's)

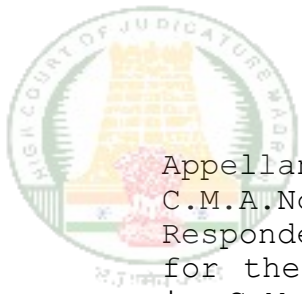
[Minors are rep. by their guardian next friend
mother, first petitioner Aroquia Marie]

5. Vairamala ... 5th Respondent/2nd Respondent in
C.M.A.No.1183 of 2021

6. United India Insurance Co. Ltd.,
Plot No.35, 36, 37 AR Plaza,
45 Feet Road, Balaji Nagar,
Saram, Puducherry 605 011. ... 6th Respondent/2nd Respondent in
C.M.A.No.3082 of 2021
... 6th Respondent/3rd Respondent in
C.M.A.No.1183 of 2021
... Appellant/3rd Respondent in
C.M.A.No.3082 of 2021

Prayer: Appeal against the order of the Motor Accident Claims Tribunal, Special Subordinate Judge, Cuddalore dated 21.07.2020 and made in M.C.O.P.No.1910 of 2017.

Decree : This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the judgment and decree of the Lower Court and the material papers in this case and upon hearing the arguments of Mr.K.J.Sivakumar, Advocate for the



Appellant in C.M.A.No.1183 of 2021 and fifth Respondent in C.M.A.No.3082 of 2021 and of Mrs.Ramya V. Rao, Advocate for the Respondents 1 to 4 in both CMA's and of Mr.R.Arunkumar, Advocate for the Sixth Respondent in C.M.A.No.1183 of 2021 and Appellant in C.M.A.No.3082 of 2021 steps not having been taken to serve the Fifth Respondent in C.M.A.No.1183 of 2021 and Sixth Respondent in C.M.A.No.3082 of 2021 this Court while allowing this Appeal, doth order and decree as follows:

i) that the award passed by the Motor Accident Claims Tribunal, Special Subordinate Judge, Cuddalore dated 21.07.2020 and made in M.C.O.P.No.1910 of 2017 be and hereby the award of compensation is set aside and reduced from Rs.1,00,94,242/- (Rupees One Crore Ninety Four Thousand Two Hundred and Forty Two only) to Rs.87,00,000/- (Rupees Eighty Seven Lakhs only);

2) that the mother of the deceased Mrs.Velankanni is entitled to a sum of Rs.7,00,000/- (Rupees Seven lakhs only) as her share and the balance amount of Rs.80,00,000/- (Rupees Eighty Lakhs only) be and hereby is directed to be share by the claimants 1 to 3 equally;

3) that the Appellant herein/Transport Corporation in C.M.A.No.1183 of 2021 and the Appellant herein/Insurance Company in C.M.A.No.3082 of 2021 be and hereby are directed to deposit the modified award amount Rs.87,00,000/- (Rupees Eighty Seven lakhs only) in equal share with accrued interest and costs less the amount already deposited, if any, within a period of six (6) weeks from the date of receipt of a copy of this judgment on the claim petition;

4) that on such deposit being made the Respondents 1 and 4/the claimants 1 and 4 be and hereby are permitted to withdraw their share in the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs;

5) that the share of the minor Respondents 2 and 3/minor claimants 2 and 3 be and hereby is directed to be deposited by the Tribunal in a Fixed Deposit Scheme in any one of the Nationalised Banks and the said deposit shall be renewed periodically till they attain majority and the interest accrued thereon shall be withdrawn by the first respondent/first claimant/mother of the minor claimants once in three months;

6) that in other aspects the decree of the tribunal do stand;



7) that there be no order as to costs in these Civil Miscellaneous Appeal.

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Sd/-
Assistant Registrar(CS-I)

//True copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Special Subordinate Judge,
Cuddalore.

Copy To

The Section Officer,
VR Section, High Court, Madras.

+2cc to Mrs.Ramya V. Rao, Advocate SR.No.15347

+1cc to Mr.K.J.Sivakumar, Advocate SR.No.14888

DATED : 07/03/2022

DECREE :

C.M.A. Nos.1183 and 3082 of 2021

Allowing the Civil Miscellaneous Appeal in part is preferred against the judgment and decree dated 21.07.2020 made in M.C.O.P.No.1910 of 2017 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Cuddalore, etc., as stated within.

PR(CO)
GMY(25/05/2022)