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IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.Nos.3938 of 2019 & 1634 of 2021

C.M.A.No.3938 of 2019

1.M.Saradhadevi
2.Saisurya
3.Minor M.Saimanaswini
(Minor rep. by mother & natural
guardian, 1st appellant)

4.M.Annapurna

... Appellants/Claimants

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Villupuram) NH-4, Ponneri Karai,
Karaipettai Post,
Kancheepuram District.

... Respondent/Respondent

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 to enhance the award passed in Judgment and Decree dated 04.01.2019 made in MCOP No.971 of 2016 on the file of the Motor Accident Claims Tribunal, District & Sessions Judge, Additional District Judge (Fast Track Court), Kancheepuram.

C.M.A.No.1634 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd,
NH-4, Ponneri Karai,
Karaipettai Post,
Kancheepuram District.

... Appellant/Respondent

Vs.

1.M.Saradhadevi



2.Saisurya

3.Minor M.Saimanaswini
(Minor rep. by mother & natural
guardian, 1st appellant)

4.M.Annapurna

... Respondents/Claimants

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 to set aside the decree and judgment dated 04.01.2019 made in MCOP No.971 of 2016 on the file of the Motor Accident Claims Tribunal, District & Sessions Judge, Additional District Judge (Fast Track Court), Kancheepuram.

Decree : This Civil Miscellaneous Appeals coming on Thursday the Twenty Eighth day of April Two Thousand and Twenty Two for hearing upon perusing the grounds of Appeals the award of the tribunal below and the material papers in this case and upon hearing the arguments of Mr.C.Prabakaran, Counsel for Appellant in C.M.A.No.3938 of 2019 and for Respondents RR1 to 3 in CMA No.1634 of 2021, Mr.K.J.Sivakumar, Counsel for Respondent in CMA No.3938 of 2019 and the Appellant in CMA No.1634 of 2021 this Court while dismissing the CMA Nos.3938 of 2019 and 1634 of 2021 doth order and decree as follows:

1) that the award and decree dated 04.01.2019 made in MCOP No.971 of 2016 on the file of the Motor Accident Claims Tribunal, District and Sessions Judge, Additional District Judge (Fast Track Court), Kancheepuram be and hereby are confirmed and this Civil Miscellaneous Appeals are dismissed;

2) that the rate of interest fixed by the tribunal as 7.5% per annum is also confirmed;

3) that the appellant Transport Corporation be and hereby is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited if any within a period of eight weeks from the date of receipt of a copy of this order;

4) that on such deposit, the major claimant be and hereby are permitted to withdraw their share of the award amount along with proportionate interest and costs, as per the ratio of apportionment fixed by the Tribunal, less the amount already withdrawn, if any;

5) that the share of the minor claimant shall be deposited in any one of the nationalized banks, in a fixed deposit, till she attains majority, that the interest on the minor deposit be



and hereby is permitted to be withdrawn by the mother of the minor claimant once in six months; that the minor claimant/M.Saimanaswini, on attaining majority, be and hereby is permitted to withdraw her share.

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

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
District & Sessions Judge,
Additional District Judge,
(Fast Track Court), Kancheepuram.

Copy To

The Section Officer,
VR Section,
High Court, Madras.-600 104.

+1cc to Mr.C.Prabakaran, Advocate SR.No.29600

+1cc to Mr.K.J.Sivakumar, Advocate SR.No.29780

DATED : 28/04/2022

DECREE :

C.M.A.Nos.3938 of 2019 &1634 of 2021

Dismissing the Civil Miscellaneous Appeals preferred against the judgment and decree dated 04.01.2019 made in MCOP No.971 of 2016 on the file of the Motor Accident Claims Tribunal, District & Sessions Judge, Additional District Judge (Fast Track Court), Kancheepuram, etc., as stated therein.

AJB (CO)
GMY (08/06/2022)