



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD). No.714 of 2020

and

Cross Obj.(MD).No.15 of 2021

CMA(MD). No.714 of 2020

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division II Ltd.,
Periyamilaguparai,
Trichy.

... Appellant/Respondent

Vs

1. Kokila.

2. Minor.Pragadeeswaran

3. Minor.Nitheesh

(Minor Respondents 2 & 3 rep. by Mother guardian
1st Respondent herein)

4. Pitchaiyammal

... Respondents/Claimants

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against award of the Motor Accidents Claims Tribunal/District Judge, Karur, dated 20.12.2019 made in M.C.O.P.No.593 of 2018.

Cross Obj.(MD).No.15 of 2021

1. Kokila.

2. Minor.Pragadeeswaran

3. Minor.Nitheesh

(Minor Respondents 2 & 3 rep. by mother guardian
1st Respondent herein)

<https://hcservices.e-tourism.gov.in/hcservices/>

...Cross Objecators/Respondents



VS

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division II Ltd.,
Periyamilaguparai,
Trichy.

...Respondent/Appellant

Prayer:-

Cross Objection filed under Order 41 Rule 22 r/w Section 173 of Motor Vehicles Act, 1988, to enhance the award of compensation in M.C.O.P.No.593 of 2018 on the file of the Motor Accidents Claims Tribunal/District Judge, Karur, dated 20.12.2019.

DECREE:-

This Civil Miscellaneous Appeal and the Cross Objection having come up for final hearing on Monday, the Fourteenth day of March, Two Thousand and Twenty Two, upon perusing the Grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.P.M.VISHNUVARTHANAN, Advocate for the Appellant (in CMA) and the Respondent (in Cross Objection) and of Mr.K.SURESKUMAR, Advocate for the Respondents (in CMA) and Cross Objectors (in Cross Objection), the Respondents/Cross Objectors paid a sum of Rs.5,313/- (Rupees Five Thousand Three Hundred and Thirteen) as Court Fee in the Cross Objection Petition, this Court while modifying the award of the Tribunal by dismissing the Civil Miscellaneous Appeal and allowing the Cross Objection in part, having stood over for consideration, till this date doth order and decree as follows:-

(1) That, the quantum of Compensation awarded by the Motor Accidents Claims Tribunal/District Judge, Karur, dated 20.12.2019 made in M.C.O.P.No.593 of 2018 be and hereby enhanced from Rs.19,11,850/- to 24,25,850/- (Rupees Twenty Four Lakh Twenty Five Thousand Eight hundred and Fifty only) which shall carry interest at the rate of 7.5% per annum;

(2) That, the Appellant herein/Tamilnadu State Transport Corporation Ltd., be and hereby is directed to deposit the entire compensation of Rs.24,25,850/- (Rupees Twenty Four Lakh Twenty Five Thousand Eight hundred and Fifty only) (if not already deposited) together with interest at 7.5% per annum from the date of Claim Petition till the date of deposit to the credit of M.C.O.P.No.593 of 2018 on the file of the the Motor Accidents Claims Tribunal/District Judge, Karur, within a period of 8 weeks from the date of receipt of copy of this order;

(3) That, on such deposit being made by the Appellant <https://hcservices.mca.gov.in/hcservices/> corporation, the Respondents 1 and 4 herein be and



are hereby at liberty to withdraw the award amount so deposited, as apportioned by the Tribunal, after following due process of law;

(4) That, the shares of the minor respondents (R2 & R3) shall be deposited in any one of the Nationalized Bank until they attain majority and the first Respondent be and hereby permitted to withdraw the interest directly from the bank, once in three months in order to maintain the minors and

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Judge/The Motor Accident Claims Tribunal,
Karur.

Copy to:

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

+1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-19511 /2022)

+1 CC to Mr.K.SURESH KUMAR, Advocate (SR-19702 /2022)

ORDER DATED : 19/04/2022

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DECREE

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CMA(MD). No.714 of 2020
and Cross Obj.(MD).No.15 of 2021

Nature of Decree:- Dismissing the Civil Miscellaneous Appeal and partly allowing the cross objection preferred against award of the Motor Accidents Claims Tribunal/District Judge Karur, dated 20/12/2019 made in MCOP.No.593/2018 etc., as stated within.

KB(20.06.2022) 3P 6C