



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

Friday, the Third day of February Two Thousand Twenty Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.757 of 2019

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
BYE PASS ROAD, MADURAI-16.

... Appellant/3rd Respondent

Vs

1 ARULANANDHAM

... 1st Respondent/Petitioner

2 V.JAYALAKSHMI

3 THE AUTHORIZED REPRESENTATIVE,
HDFC Ergo General Insurance Company Limited,
New No.528, Old No.559, Annasalai, Thenyampet,
Chennai-18.

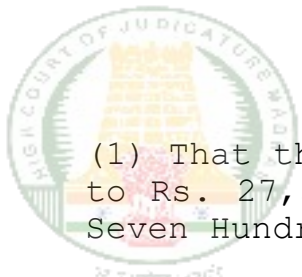
... Respondents 2 & 3/ Respondents 1 & 2

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 29.11.2018 made in M.C.O.P. No. 2204 of 2014, on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Madurai.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday, the Sixteenth day of November Two Thousand and Twenty Two, 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. R.RAMADURAI, Advocate for the 1st respondent and of MR. S. SRINIVASA RAGHAVAN, Advocate for the 3rd respondent, The second respondent has not appear either in person or by an Advocate, having stood over till the date of consideration, and this Court while allowing the appeal in part, doth order and decree as



(1) That the 1st Respondent herein/Claimant be and hereby is entitled to Rs. 27,58,750/- (Rupees Twenty Seven Lakhs Fifty Eighty Thousand Seven Hundred and Fifty only) as compensation;

(2) That the Appellant herein/Transport Corporation be and hereby is directed to deposit the 50% of compensation i.e Rs. 13,79,375/- (Rupees Thirteen Lakhs Seventy Nine Thousand Three Hundred and Seventy Five only) with proportionate interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and with costs, within a period of eight weeks from the date of receipt of copy of the order.

(3) That the 3rd Respondent herein/2nd Respondent be and hereby is directed to deposit the 50% of compensation i.e Rs. 13,79,375/- (Rupees Thirteen Lakhs Seventy Nine Thousand Three Hundred and Seventy Five only) with proportionate interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and with costs, within a period of eight weeks from the date of receipt of copy of the order.

(4) That on such deposit being made, the 1st Respondent herein/Claimant is permitted to withdraw Rs. 7,58,750/- (Rupees Seven Lakhs Fifty Eight Thousand Seven hundred and Fifty only) with accrued interest and costs, on filing of proper petition before the Tribunal, less any amount, if already withdrawn by her;

(5) That the Tribunal be and hereby is directed to keep the balance, that is, a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) in a fixed deposit scheme in Nationalised Bank for a period of three years;

(6) that the 1st Respondent herein/Claimant is not entitled for the interest for the default period, if there is any default and

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

To

1.The Chief Judicial Magistrate,
Motor Accident Claims Tribunal
Madurai.



2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.R.RAMADURAI, Advocate (SR-6014[F] dated 03/02/2023)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-5996[F] dated 03/02/2023)

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-5775[F] dated 03/02/2023)

ORDER DATED : 03/02/2023

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DECREE

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CMA(MD). No.757 of 2019

Nature of Decree:- Partly Allowing the Civil Miscellaneous Appeal preferred against the award and decree dated 29.11.2018 made in M.C.O.P. No. 2204 of 2014, on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Madurai.

SI/(25.04.2023) 3P/ 7C