



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



Tuesday, the Thirty First day of January Two Thousand and Twenty
Three

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.104 of 2020 &
Cross Obj (MD)No.8 of 2020

TAMILNADU STATE TRANSPORT CORPORATION,
New Railway Station Road,
Kumbakonam, Rep by its Managing Director

... Appellant in CMA(MD)No.104/2020/
Respondent in Cross obj 8 of 2020

Vs

SAHAYAMARY

... Respondent in CMA(MD)No.104/2020/
Claimant in Cross obj 8 of 2020

Prayer in CMA(MD) . No.104 of 2020:-

This Civil Miscellaneous Appeal is filed under section 173 of Motor Vehicle Act, 1988, to set aside the impugned award passed in MCOP. No.661 of 2018 dated 24.04.2019 on the file of the MACT, Special District Court Thanjavur.

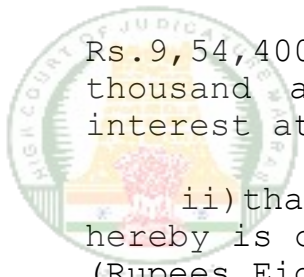
Prayer in Cross Obj (MD)No.8 of 2020:-

This Cross Objection filed under Order 41 Rule 22(1) of C.P.C., to allow the Appeal and modify the award passed in Judgment and Decree made in C.M.A.(MD).No.104 of 2020 against M.C.O.P.No.661 of 2018 on the file of the Motor Accident Claims Tribunal (Special District Judge, (Full Additional Charge) Thanjavur, dated 24.04.2019 and enhance the compensation of Rs.5,45,600/-.

Decree:-

This Civil Miscellaneous Appeal came up for hearing on Thursday, the Fifteenth day of December, Two Thousand and Twenty Two, upon perusing the grounds of Appeal, the Award of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mr.P.M.Vishnuvarthanan, Advocate for the Appellant in CMA(MD)104 OF 2020 and for the Respondent in Cross obj (MD)8 of 2020, and of Mr.N.Sudhagar Nagaraj, Advocate for the Respondent in CMA(MD) 104 OF 2020 and Cross Objectors in Cross obj (MD)No.8/2020. This court having stood over for consideration till this date. while allowing the Civil Miscellaneous Appeal in part, and dismissing the cross objection doth order and decree as follows:-

i)that award of the Motor Accident Claims Tribunal made in MCOP. No.661 of 2018 dated 24.04.2019 on the file of the MACT, Special District Court Thanjavur, be and hereby is reduced from



Rs.9,54,400/- to Rs.8,57,174/- (Rupees Eight Lakhs Fifty seven thousand and One Hundred and Seventy Four only) together with interest at the rate of 7.5% per annum.

ii)that the Appellant herein/Transport Corporation, be and hereby is directed to deposit the compensation amount i.e 8,57,174/- (Rupees Eight Lakhs Fifty Seven thousand and One Hundred and Seventy Four only)(less the amount already deposited)together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and with cost to the credit of MCOP (MD)No.661 of 2018 dated 24.04.2019 on the file of the MACT(Special District Court)Thanjavur, within a period of eight weeks from the date of receipt of a copy of this order;

iii)That on such deposit being made, the Respondent herein/ Claimant, is at liberty to withdraw the entire award amount with accrued interest and costs, after following the due process of law, less any amount already received by them;

iv)that Claimant is not entitled to interest for default period, if there is any;and

v)that there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

PNN

To

The Special District Court (MACT),
Thanjavur.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai (2 COPIES)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-5075 dated
01/02/2023)

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-5470 dated
02/02/2023)



WEB COPY



ORDER DATED : 31/01/2023

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DECREE

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CMA(MD). No.104 of 2020

&

Cross Obj(MD)No.8 of 2020

Partly Allowing the CMA(MD). No.104 of 2020, and Dismissing the Cross Obj(MD) No.8 of 2020 preferred against MCOP. No.661 of 2018 dated 24.04.2019 on the file of the MACT, Special District Court Thanjavur.etc. as stated within.

SI(17.02.2023) 3P 6C