



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Thursday, the Ninth day of February Two Thousand Twenty Three
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) No.326 of 2018

and

CRO.OBJ(MD) No.36 of 2022

WEB COPY

TAMIL NADU STATE TRANSPORT CORPORATION LIMITED
THROUGH ITS MANAGING DIRECTOR OFFICE AT NO.2
TRIVANDRUM ROAD,
VANNARPETTAI,
TIRUNELVELI.

... Appellant/Respondent in CMA
... Respondent/Appellant/Respondent in CRO.OBJ

Vs

1 JEYA
2 MINOR SAHIN
3 MINOR SATHISH

(Minor Respondents 2 & 3 are represented through their
mother and next guardian 1st Respondent herein)

... 1-3 Respondents/Petitioners in CMA
... 1- 3 Cross Objectors/
Respondents/Petitioner in CRO.OBJ

Prayer: CMA(MD) No.326 of 2018

This Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicle Act, 1988, to allow this appeal, set aside the award and decree made in MCOP No.1077 of 2015 dated 05.05.2017 on the file of the Motor Accident Claims Tribunal /Special Subordinate court, Tirunelveli.

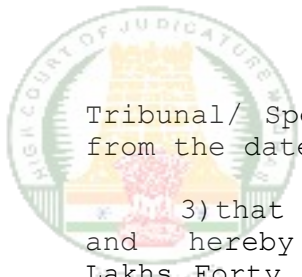
Prayer: CRO.OBJ(MD) No.36 of 2022

This petition is filed under Order 41 Rule 22(1) of CPC., to allow the Cross Objection filed in CMA (MD) No.326 of 2018 to modify the award passed in MCOP NO.1077 of 2015 on the file of the Motor Accident Claims Tribunal /Special Subordinate Judge, Tirunelveli dated 05.05.2017.

DECREE:- This Civil Miscellaneous Appeal and Cross Objection having come up for final hearing on Tuesday, the Twentieth day of December, 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 in CMA/Respondent in Cross Objection, and of MR.V.SASIKUMAR, Advocate for 1st to 3rd Respondents in CMA/ Cros.Objector in Cros.Objection, and having stood over till this day for consideration while dismissing the Civil Miscellaneous Appeal and Partly Allowing the Cro.objection this Court doth order and decree as follows:-

1)that the quantum of compensation awarded by the Tribunal is enhanced from Rs.15,92,969/- to Rs.16,47,269/- (Rupees Sixteen Lakhs Fourty Seven Thousand Two Hundred and Sixty Nine Only) which shall carry an interest of 7.5 % per annum:

2)that the appellant herein/ Transport Corporation is directed to deposit the enhanced compensation amount i.e., Rs.16,47,269/- (Rupees Sixteen Lakhs Fourty Seven Thousand Two Hundred and Sixty Nine 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 No.1077 of 2015 dated 05.05.2017 on the file of the Motor Accident Claims



Tribunal/ Special Subordinate Judge, Tirunelveli, within a period of e ks
from the date of receipt of a copy of this order;

3)that on such deposit being made, the first respodent/ first claiments be
and hereby is at liberty to withdraw a share of Rs.10,47,269/- (Rupees Ten
Lakhs Forty Seven Thousand Two Hundred and Sixty Nine only) with proportionate
interest at the rate of 7.5 % and with cost, after following the due process of
law, less any amount already received by her.

4)That the respodents/Claimants 2 and 3 (Minors) are entitled to a share
of Rs.3,00,000/- (Rupees Three Lakhs only) each, with proportionate interest at
the rate of 7.5% which is ordered to be deposited in any one of the Nationalized
Bank until they attain majority and the first respondent herein/first claimant
is permitted to withdraw the interest directly from the bank once in three
months in order to maintain the minors. The Claimants are not entitled for
interest for the default period, if there is any.

5)That there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/03/2022

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal/
Special Subordinate court, Tirunelveli.

COPY TO

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

+1 CC to Mr.V.SASI KUMAR, Advocate (SR-7227/2023)
+1 CC to Mr.P.PRABHAKARAN, Advocate (SR-7031/2023)

Dated: 09.02.2023

DECREE

**CMA (MD) No.326 of 2018 &
CROS.OBJ(MD) No.36 of 2022**

Nature of Decree:

**Dismissing the Civil Miscellaneous Appeal
and Partly Allowing in Cro.obj preferred
against the Judgement and Decree 05/05/2017
dated in MCOP.No.1077 of 2015 on the file
of the Motor Accident Claims Tribunal /
Special Subordinate Judge, Tirunelveli and
giving directions etc. As stated therein.**

RS (30.03.2023) 2P 6C

<https://www.mhc.tn.gov.in/judis>