

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.2798 of 2015

and

M.P.No.1 of 2015

Tamil Nadu State Transport

Corporation Limited,

Villupuram Division represented by its

the Managing Director,

Villupuram - 605 602.

... Appellant/1st Respondent

vs.

1.V.Sivagnanam

2.B.Ramachandriah

3.Sriram General Insurance

Company Limited,

E-8,EPIP RIICO Industrial Area,

Sitapura, Jaipur, Rajasthan,

also at No.66,

2nd Floor City Centre Complex,

Thirumalai Pillai Road,

T.Nagar, Chennai - 17.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 Motor Vehicles Act, 1988 against the Judgment and decree dated 13.10.2014 passed in M.C.O.P.No.5348 of 2011, on the file of the Motor Accident Claims Tribunal/V Court of Small Causes, Chennai.

For appellant सत्यमेव जयते: Mr.Antony Arockiaraja

For first respondent: Mr.G.K.Ilanthiraiyan

For M/s.Sai, Bharath & Ilan

JUDGMENT

This appeal is directed against the Judgment and decree dated 13.10.2014 passed in M.C.O.P.No.5348 of 2011, on the file of the Motor Accident Claims Tribunal/V Court of Small Causes, Chennai.

2. Heard the learned counsel appearing for the appellant Transport Corporation and the learned counsel appearing for the first respondent and perused the impugned judgment.

3. The only point urged before this Court jointly by the learned counsel appearing for the appellant Transport Corporation and the learned counsel appearing for the first respondent, is that the Tribunal has held in the ultimate paragraph of its Judgment that "the first respondent (Transport Corporation) and the third respondent (Insurance Company) on behalf of the second respondent are jointly and severally liable to pay compensation, but in the last but third sentence, the Tribunal has erroneously held that the petition is dismissed as regards the second and third respondents", and therefore, the sentence that "the petition is dismissed as against the second and third respondents" has to be deleted.

4. In view of the finding of the Tribunal that first respondent/Transport Corporation and the third respondent/Insurance Company on behalf of the second respondent in the claim petition, were jointly and severally liable to pay compensation and in view of the joint request made by the learned counsel appearing for the appellant and the first respondent, the last but third sentence in Paragraph No.21, which reads as "this petition is dismissed as regards the 2nd and 3rd respondents" is deleted. In other respects, the Judgment and Decree of the Tribunal is confirmed. Accordingly, the petition is dismissed. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

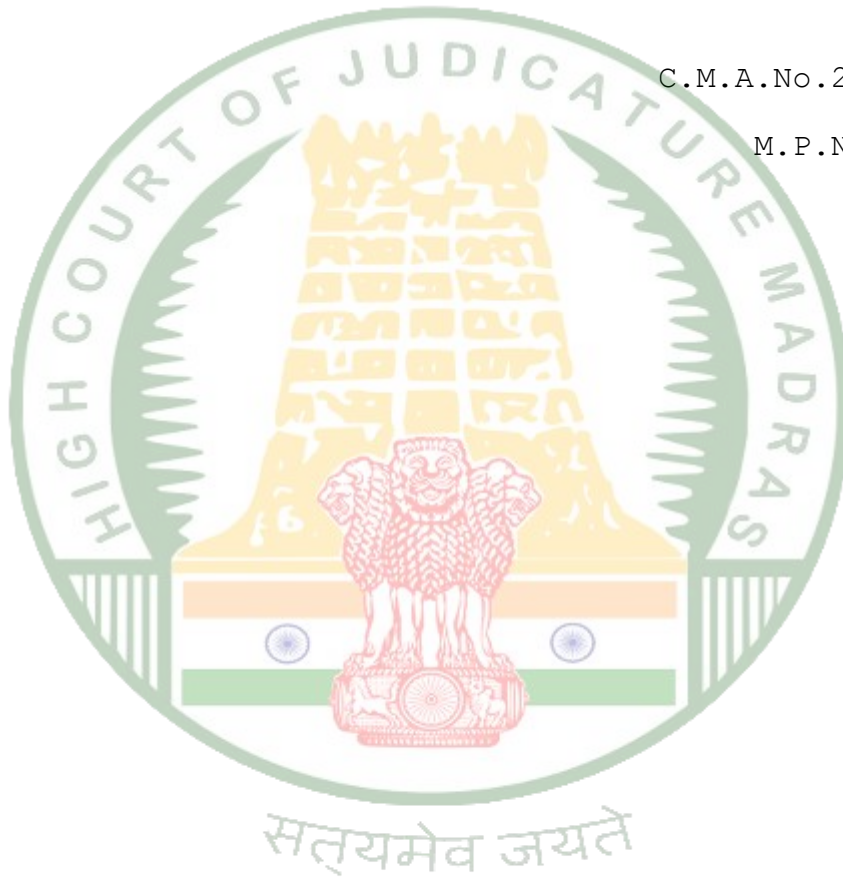
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To

The Motor Accident Claims Tribunal/
V Court of Small Causes, Chennai.

RSK(CO)
EU(19/01/2015)

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