

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

C.M.P.Nos.17651 and 17652 of 2016

in

C.M.A.No.SR73034 of 2011

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Sheikpet Nadu Street,
Kancheepuram Division,
Kanchipuram Town.

.. Appellant

vs.

1.Smt.N.Jayakowsalaya Devi

2.Minor N.Gopiraj

3.Smt.N.Rani

4.Nagappan

(R2 minor is represented by next

friend Guardian mother first respondent)

.. Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1989 against the Judgment and Decree passed by the Motor Accidents Claims Tribunal, Additional District Judge, Tiruvallur (Fast Track Court No.III), Tiruvallur in M.C.O.P.No.636 of 2008 dated 23.08.2010.

For Appellant

: Mr.Paramasivados

ORDER

C.M.P.No.17651 of 2016 has been filed to condone the delay of 1807 days in representing the returned papers in CMA.No.SR73034 of 2011 and

C.M.P.No.17652 of 2016 has been filed to condone the delay of 1819 days in paying the deficit Court fee of Rs.10,373/- in CMA.No.SR.73034 of 2011.

2. It is a case of fatal injury to the breadwinner of the claimants' family due to the accident caused by driver of the Transport Corporation. When the claim petition was filed for a sum of Rs.65,00,000/-, the Motor Accidents Claims Tribunal, Additional District Judge, Tiruvallur (Fast Track Court No.III), Tiruvallur has awarded a sum of Rs.21,00,000/-, vide judgment and decree dated 23.08.2010 in M.C.O.P.No.636 of 2008, since it was claimed that the deceased was working as a Supervisor Grade II, earning a sum of Rs.23,620/- per month at the age of 31 years. Aggrieved by the same, the Transport Corporation has brought this Civil Miscellaneous Appeal. But there is a huge and unexplained delay of 1819 days in paying the Deficit Court fee of Rs.10,373/- and also delay of 1807 days in representing the returned papers.

3. As the compensation awarded is for loss of life of breadwinner of the claimants' family, the Transport Corporation cannot keep the matter pending for long time. It is seen that the award amount has also not been deposited, which shows that the Transport Corporation is attempting to prolong the payment of award amount also. Therefore, this Court is unable to find any merit or sufficient cause to condone the delay. Hence, these Miscellaneous

Petitions are dismissed. However, the Transport Corporation is directed to deposit the award amount along with interest @ 7.5% p.a. from the date of petition till the date of payment, to the credit of M.C.O.P.No.636 of 2008, before the Motor Accidents Claims Tribunal, Additional District Judge, Tiruvallur (Fast Track Court No.III), Tiruvallur, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the claimants are entitled to withdraw the same, failing which there shall be penal interest @ 12% p.a.

4. With the above direction, CMP.Nos.17651 and 17652 of 2016 are dismissed. Consequently, CMA.No.SR73034 of 2011 is rejected.

30.11.2016

jvm

To
Motor Accidents Claims Tribunal,
Additional District Judge, Tiruvallur
(Fast Track Court No.III), Tiruvallur.

T. RAJA, J.

C.M.P.Nos.17651 and 17652 of 2016
in CMA.No.SR73034 of 2011

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