



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND NINETEEN

WEB COPY

PRESENT:

THE HON'BLE MRS JUSTICE S. RAMATHILAGAM

C.M.A.No.326 of 2015

The Managing Director
Karnataka State Transport Corporation (KSRTC)
Bangalore Head Office
Bangalore. ... Appellant/Respondent
...vs..
Pandiyani ... Respondent/Claimant

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, preferred against the order and decreetal order, dated 07.08.2013 made in MCOP No.223 of 2009 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Gingee.

Decree: This Civil Miscellaneous Appeal coming on for hearing on Monday, the Twenty Ninth day of July 2019 and upon perusing the Grounds of Appeal, the award of the Tribunal below and the material papers in the case and upon hearing the arguments of MR.T.Thiyagarajan, Advocate for the Appellant and of Mr.C.Munusamy, Advocate for the Respondent and having stood over for consideration till this day this Court while allowing the appeal in part and in modification of award of the tribunal below doth order and decree as follows:

i) That the award and decreetal order dated 07.08.2013 made in MCOP No.223 of 2009 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Gingee be and hereby are set aside.

ii) That the liability fixed on the appellant herein/Transport Corporation by the Tribunal be and hereby is hereby set aside and fixes 50% : 50% liability on both the Appellant herein/ drivers of the bus as well as lorry.

iii) That the compensation awarded by the tribunal below be and hereby is reduced to Rs.3,04,350/- (Rupees three lakhs four thousand three hundred fifty only) from Rs.5,09,518/- (Rs.Five Lakhs Nine Thousand and Five Hundred and Eighteen only).



iv) That the rate of interest, awarded by the Tribunal do stand confirmed.

v) That out of the above compensation of Rs.3,04,350/- 50% : 50% liability is fixed, both the appellant herein/ Transport Corporation be liable to pay Rs.1,52,175/- (Rupees one lakh fifty two thousand one hundred seventy five only) and the insurer of the lorry bearing Registration No.TN-25-E-6364, viz., United India Insurance Company Limited, Regional Office at No.487/1, 2nd Floor, CM.II Road, Indira Nagar, Bangalore - 560 038 be liable to pay Rs.1,52,175/- (Rupees one lakh fifty two thousand one hundred seventy five only).

vi) That the appellant herein/Transport Corporation and the Insurance Company of the lorry be and hereby are directed to deposit their respective amount of compensation, stated in Clause(V)Supra, as awarded by this Court together with proportionate interests and costs of MCOP, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment.

vii) That on such deposit being made, the Tribunal be and hereby is directed to transfer the said sum to the Savings Bank Account of the respondent/claimant, through RTGS.

Viii) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Motor Accident Claims Tribunal, Gingee.

Copy to:

The Section Officer, VR Section, High Court, Madras.

+1cc to Mr. T.Thiyagarajan, Advocate SR.No. 70540

Dated:20.08.2019

DECREE

C.M.A.No.326 of 2015

Allowing the appeal in part preferred against the order and decree order dated 07.08.2013 made in MCOP No.223 of 2009 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Gingee etc as stated within.

UD co

A.SK(18.08.2021)