

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A No.2347 of 2019

&

C.M.P.No.10626 of 2019

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram.

... Appellant/ Respondent

-Vs-

1. Mangayarkarasi
2. Nisha Preethi (Minor)
3. Muralitharan (Minor)
(Respondent Nos. 2 & 3 are minors
rep by 1st respondent)
4. Navammal
5. Kannan

...Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgement and decree made in MCOP No.365 of 2016, dated 04.04.2018 on the file of the Motor Accidents Claims Tribunal, III Additional District Court, Kallakurichi.

For Appellant : Mr.K.J.Sivakumar

JUDGMENT

[Judgement of this Court was delivered by T.S.SIVAGNANAM.,J]

This Civil Miscellaneous Appeal is directed against the judgement and decree made in MCOP No.365 of 2016, dated 04.04.2018 on the file of the Motor Accidents Claims Tribunal, III Additional District Court, Kallakurichi.

2. We have heard Mr.K.J.SivaKumar, learned counsel for the appellant.

3. The only contention advanced before us is that the deceased had contributed to the accident. This aspect was also canvassed before the Tribunal and the Tribunal has taken into consideration this contention which was advanced by the appellant/insurance company and decided against the appellant. While rendering such a finding in paragraph 6 and 6a of the impugned award referred to the cross examination of R.W.1 and held that the appellant/transport Corporation was liable to pay compensation and also that the deceased has not contributed to the accident. Before us, the income, the multiplier adopted or the amount of compensation awarded under various heads have not been disputed.

4. In the light of the above, we find that there is no ground to interfere with the award passed by the Tribunal. Hence, the Civil Miscellaneous Appeal fails and stands dismissed.

5. Mr.K.J.Sivakumar, learned counsel for the appellant submits that bus owned by the appellant/Corporation has been attached by the Tribunal. In the event, the appellant deposits 50% of the entire award amount within 12 weeks period, then the Tribunal shall lift the attachment and release the bus.

6. The appellant shall deposit the remaining award amount together with interest, less the amount if any already deposited, within a period of twelve weeks from the date of receipt of copy of this judgement. On such deposit, the claimants/respondent Nos.1, 4 & 5 are permitted to withdraw their respective shares along with interest. In so far as the amount payable to the minor claimants 2 and 3 are concerned, the same shall be invested in a Nationalised Bank under reinvestment scheme till they attain majority. The first claimant/mother is permitted to withdraw the accrued interest on the minors' deposit direct from the Bank once in six months, periodically.

7. In the result the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

mrmm

Sd/-

Assistant Registrar(CS VI)

//True Copy//

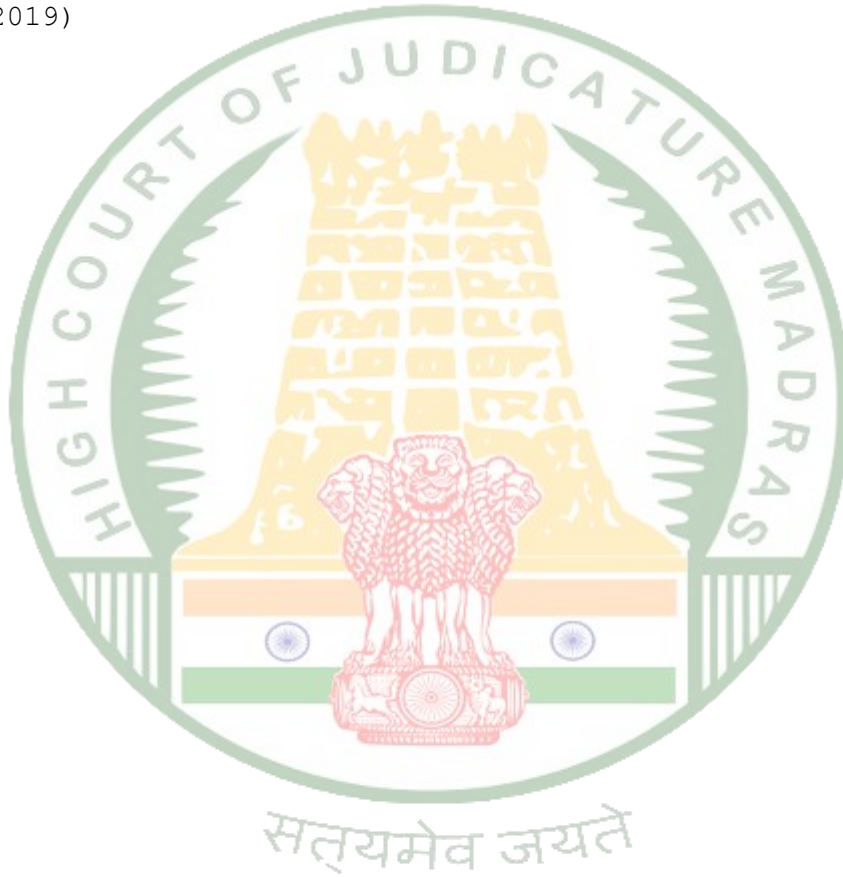
Sub Assistant Registrar

To
The Motor Accidents Claims Tribunal,
III Additional District Court, Kallakurichi.

+1cc to Mr.K.J.Sivakumar, Advocate, SR.No.42729

C.M.A No.2347 of 2019
&
C.M.P.No.10626 of 2019

Kak (21/10/2019)



WEB COPY