

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Second day of November Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH

AND

THE HON`BLE MRS JUSTICE T. KRISHNAVALLI

CMP Nos.7799 and 3397 OF 2019

IN CMA.1225/2019

THE MANAGING DIRECTOR [PETITIONER]
KARNATAKA STATE ROAD TRANSPORT CORPORATION,
SHANTHI NAGAR, K.H.ROAD, BENGALURU,
KARNATAKA STATE

Vs

1 AYYAMMAL [RESPONDENT]
2 PRAVEENRAJ
3 KEERTHIKA
4 MR.P.MANIMARAN
5 TATA AIG GENERAL INSURANCE COMPANY LTD.,
SANKARI MAIN ROAD, SANKARI,
SALEM DISTRICT-637301

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(1) To modify the order dated 11/02/2019 passed in CMP.No.3397 of 2019 in CMA No.1225 of 2019 by deleting the condition imposed therein and thus render justice (in CMP.7799/2019) and;

(2) To stay all further proceedings pursuant to the decree and judgment passed by the Motor Accident Claims Tribunal, (1st Additional District Court), at Salem in MCOP.NO.2934/2015 dated 13.10.2017 (in CMP.3397/2019) pending disposal of CMA.1225/2019

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.T.THİYAGARAJAN, Advocate for the petitioner in both the petitions the court made the following order:-

(The Order of the Court was made by R.Subbiah, J)

This Court, while admitting C.M.A.No.1225 of 2019 on 11.02.2019, granted interim stay in C.M.P.No.3397 of 2019 on condition as follows:

"There shall be an order of interim stay on condition that the petitioner/Transport Corporation deposits 50% of the award amount along with proportionate interest to the credit of M.C.O.P.No.2934 of 2015 on the file of Motor Accidents Claims Tribunal (I Addl. District Court), Salem, within a period of six weeks from the date of receipt of a copy of this order, failing which, interim stay granted shall stand vacated automatically without further reference to the Court. Notice."

2. Now, C.M.P.No.7799 of 2019 in C.M.A.No.1225 of 2019 is filed by the Transport Corporation seeking to modify the abovesaid order dated 11.02.2019 by deleting the condition imposed therein.

3. It is the submission of the learned counsel for the petitioner/Transport Corporation that the total award amount is Rs.22,02,016/- and 50% of the award amount works out to Rs.11,01,008/-. It is further stated that even before the grant of interim stay by this Court on 11.02.2019, the petitioner-Transport Corporation deposited a sum of Rs.19,02,901/- through NEFT on 02.09.2018 to the credit of M.C.O.P.No.2934 of 2015, and the said amount of Rs.19,02,901/- is more than 50% of the award amount. Hence, the learned counsel for the petitioner submitted that it may not be necessary for the petitioner-Transport Corporation to deposit 50% of the amount as directed by this Court in the abovesaid order dated 11.02.2019. Accordingly, he prayed for suitable direction.

4. In view of the above submissions made by the learned counsel for the petitioner-Transport Corporation, this Court finds that the petitioner-Transport Corporation has already deposited Rs.19,02,901/- on 02.09.2018 even before grant of interim stay by this Court on 11.02.2019, and the said amount of Rs.19,02,901/- is more than 50% of the total award amount, and hence, now, it is not necessary to deposit 50% of the award amount based on the abovesaid order dated 11.02.2019.

5. C.M.P.No.7799 of 2019 is ordered accordingly. The interim stay already granted shall continue till the disposal of the appeal.

-sd/-
22/11/2019
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE 1ST ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
SALEM.

C.C. to M/S.T.THIIYAGARAJAN Advocate SR.NO. 13955

Order
in
CMP.Nos.7799 and 3397/2019
in
CMA.1225/2019

Date :22/11/2019

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