



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)**

Friday, the Tenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

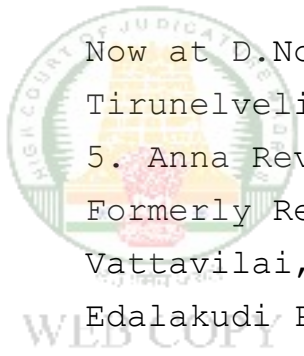
CMA(MD) . No.323 of 2019

THE MANAGING DIRECTOR,
TAMIL NADU STATE EXPRESS TRANSPORT
CORPORATION PALLAVAN SALAI
CHENNAI-2

..Appellant / Respondent

Vs

1. Rajapandian, S/o. Karuppaiah,
formerly resi at D.No.28,
Vattavilai, Edalakudi Po, Vadiveeswaram,
Agasteeswaram Tk, Now at D.No.11, Moc Buld,
High Ground,
Tirunelveli-11.
2. Thennagam, W/o. Natarajan,
Formerly Resi. At D.No.28,
Vattavilai, Edalakudi Po,
Vadiveeswaram, Agasteeswaram Tk,
Now at D.No.11, Moc Buld,
High Ground,
Tirunelveli-11.
3. Kalaperumal @ Helan,
S/o. Rajapandian, Formerly Resi. At D.No.28,
Vattavilai, Edalakudi Po,
Vadiveeswaram, Agasteeswaram Tk,
Now at D.No.11, Moc Buld High Ground,
Tirunelveli-11
4. Thennarasi, W/o. Mahandran,
Formerly Resi. At D.No.28,
Vattavilai, Edalakudi Po,
Vadiveeswaram, Agasteeswaram Tk,



Now at D.No.11,Moc Buld, High Ground,
Tirunelveli-11.

5. Anna Revathi,W/o.Ponraj,
Formerly Resi.At D.No.28,
Vattavilai,

Edalakudi Po, Vadiveeswaram,
Agasteeswaram Tk,Now at D.No.11,
Moc Buld,High Ground,
Tirunelveli-11.

.. Respondents / Petitioners

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award made in MCOP No.1456 of 2016 dated 18.07.2018 on the file of the Motor Accident Claims Tribunal, III Additional District Court, Tirunelveli.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.P.PRABHAKARAN, Advocate for the Appellant and of respondents not appeared either in person or by an Advocate, while modifying the award of the Tribunal and partly allowing the Appeal, this Court doth order and decree as follows:-

(1) That the liability on the Appellant / Transport Corporation be and is hereby fixed on 50%. (50 percent).

(2) That the Appellant/Transport Corporation be and is hereby directed to pay 50% of the award amount passed by the Tribunal, within a period of six weeks from the date of receipt of copy of the order.

(3) After the depositing the award amount, the claimant be and is hereby permitted to withdraw the same before the tribunal, on filing appropriate application.

(4) That the Appellant/Transport Corporation be and hereby is entitled to withdraw the excess amount deposited, if any.

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The III Additional District Judge,
Motor Accident Claims Tribunal,
Tirunelveli

Copy to:

WEB COPY

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+ 1 cc to M/s.P.Prabhakaran, Advocate in SR No.38219 / 2021

ORDER DATED : 10/12/2021

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DECREE

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CMA(MD) . No.323 of 2019

Nature of Decree:- Dismissing the
Civil Miscellaneous Appeal preferred
against the Award of the Motor
Accident Claims Tribunal, III
Additional District Court,
Tirunelveli in MCOP No.1456 of 2016
dated 18.07.2018 etc., as stated
therein

KB(17.02.2022) 3P 5C