



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

Thursday, the Twenty First day of November Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD). No.582 of 2019

The Managing Director,
Tamil Nadu State Transport Corporation,
Tirupur Coimbatore Region. ... Appellant / 1st Respondent

Vs

1 M.Mohamed Abdul Rehman Sherif ... 1st Respondent / Petitioner

2 V.Mythili

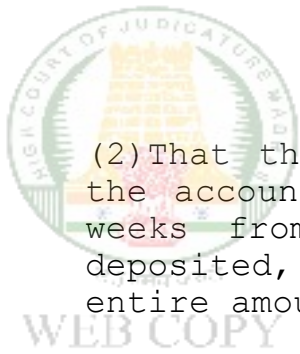
3 The Divisional Manager
M/s.The New India Assurance Company Ltd.,
Divisional Office, 1st Floor, CMDS Bhavan,
70 feet Road, Ellis Nagar, Madurai.
... Respondent 2 & 3 /
Respondents 2 & 3

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award made in MCOP No.2124 / 2017 dated 14.12.2018, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Madurai.

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 MR.A.HAJAMOHIDEEN, Advocate for first respondent and MR.G.PRABHU RAJADURAI, Advocate for the third respondent, and the negligence is fixed towards both the drivers of the Appellant Transport Corporation and the TATA Ace Vehicle insured with the 3rd Respondent Insurance Company equally and this Court while allowing the part, doth order and decree as follows:-

(1) That the Appellant/Transport Corporation as well as the 3rd Respondent shall deposit the award amount at each 50%, within a period of eight weeks from the date of receipt of a copy of this Judgement, along with 7.5% interest, from the date of petition till the award is deposited, less the amount already deposited, if any.

<https://hcmr.judges.gov.in/hcmr/judges>



(2) That the Tribunal is directed to transfer the entire amount to the account of claimant, by way of RTGS, within a period of three weeks from the date of deposit and if the amount is already deposited, on receipt of a copy of this Judgement, transfer the entire amount to the account of the claimant.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

TO

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI.

Copy to:

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

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-100420 dated 22/11/2019)

+1 CC to M/s.A. HAJAMOHIDEEN, Advocate (SR-101067 dated
25/11/2019)

ORDER DATED : 21/11/2019

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DECREE
=====

CMA(MD). No.582 of 2019

Nature of Decree:- Partly Allowing
the Civil Miscellaneous Appeal
preferred against the award of the
MCOP No.2124 of 2017 dated
14.12.2018, Motor Accident Claims
Tribunal, Chief Judicial
Magistrate, Madurai and etc., as
stated therein.

JMN(19.12.2019) 2P : 6C