

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No. 582 of 2009

and

M.P.No. 1 of 2009

(Through Video Conferencing)

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

... Appellant

Vs.

Murugesan

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.323 of 2007, dated 04.01.2008, on the file of the Motor Accidents Claims Tribunal, Additional District Sessions Court, Fast Track Court, Tiruppathur, Vellore District.

For Appellant : Mr.C.S.K.Sathish

For Respondent : Mr.N.Sankaravadivel

JUDGMENT

Heard Mr.C.S.K.Sathish, the learned counsel for the appellant and Mr.N.Sankaravadivel, the learned counsel for the respondent.

2. Though elaborate submissions were made on merits, the learned counsel for the respondent submitted that the appellant State Transport Corporation had deposited the entire amount of compensation of Rs.1,05,000/- together with interest and same was withdrawn by the respondent and therefore, nothing survives for adjudication in this Civil Miscellaneous Appeal.

3. On merits, the learned counsel for the appellant relied on the decision of the Hon'ble Supreme Court in the case of **R.T.Hattangadi Vs. M/s.Pest Contral India Pvt. Ltd.**, 1995 SCC (1) 551, wherein, the Court held as follows:-

“18. So far the direction of the High Court regarding payment of interest at the rate of 6% over the total amount held to be payable to the appellant is concerned, it has to be modified. The High Court should have clarified that the interest shall not be payable over the amount directed to be paid to the appellant in respect of future expenditures under different heads. It need not be pointed out that

interest is to be paid over the amount which has become payable on the date of award and not which is to be paid for expenditures to be incurred in future. As such we direct that appellant shall not be entitled to interest over such amount.”

4. In my view, since the amount has already been withdrawn by the respondent, nothing survives for adjudication in this Civil Miscellaneous Appeal. Accordingly, this Civil Miscellaneous Appeal is closed. No cost. Consequently, connected Miscellaneous Petition is also closed.

15.10.2020

arb / jen

Index : Yes/No

Internet : Yes / No

Notes:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

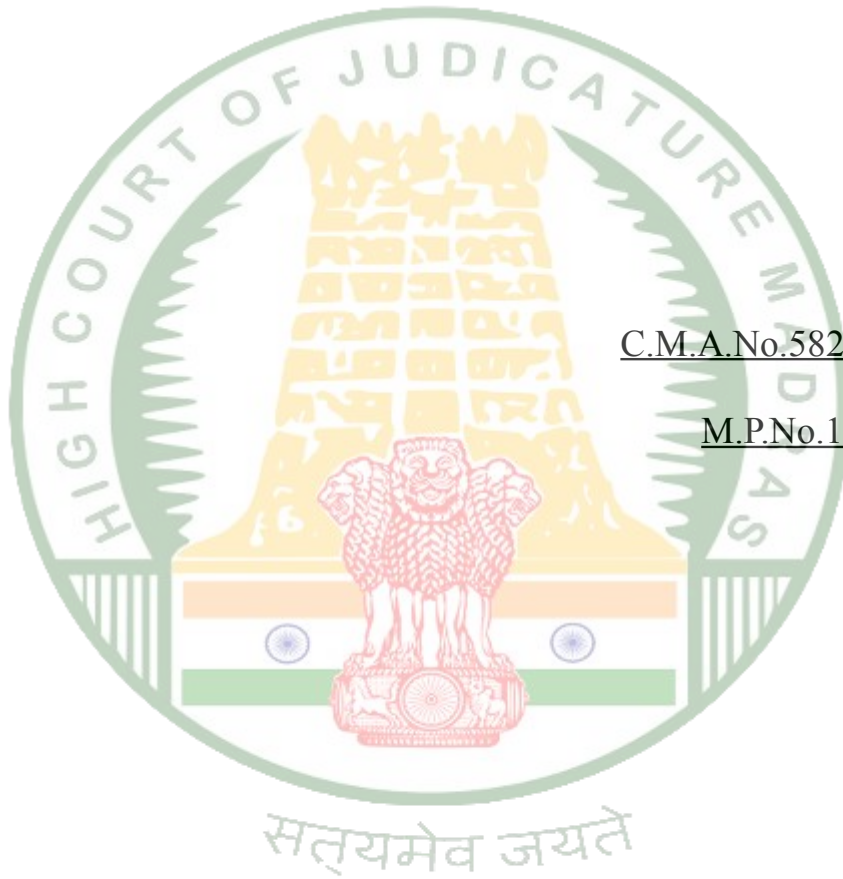
To:

The Motor Accidents Claims Tribunal,
Additional District Session Court and Fast Track Court,
Tiruppathur, Vellore District.

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C.SARAVANAN, J.

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