



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Wednesday, the Ninth day of December Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
CMA(MD).No.254 of 2010

WEB COPY

Tamil Nadu State Transport Corporation Ltd.,
Division IV, Dindigul,
Rep.by its Divisional Manager,
Dindigul. ...Appellant/1st Respondent

Vs

1.Subbulakshmi

2.Sarojini ...1 & 2 Respondents/Petitioners

3.Indian Railway,
through its General Manager,
Souther Railway,
Chennai. ...3rd Respondent/3rd Respondent

4.Venkatesan ...4th Respondent/2nd Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the Judgment and Decree in M.C.O.P.No.109 of 1999 dated 05/03/2007 on the Motor Accident Claims Tribunal/I Additional District Court, Madurai.

DECREE:-

This Civil Miscellaneous Appeal having come up for 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.M.Prakash, Advocate for the Appellant and of, Mr.S.Manokar, Advocate for the Third Respondent, and Respondents 1,2 and 4 are not appeared either in person or by an Advocate, this Court while allowing the appeal in part and modifying the liability fixed by the tribunal below, doth order and decree as follows:-

(1)That the award of the Motor Accident Claims Tribunal, I Additional District Judge, Madurai, dated 22/01/2011 made in M.C.O.P.No.12 of 1999 be and hereby is confirmed.

(2) that the liability be and hereby is fixed equally both Transport Corporation as well as the Southern Railway at 50:50

(3) That the Appellant/Transport Corporation and 3rd Respondent/Southern Railway be and hereby are directed to deposit ~~the same amount~~ amount equally with accrued interest and costs,

<https://hcs.judges.eprints.in/hcs/view>



less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment.

(4) that on such deposit being made, the respondents 1 and 2 herein/claimants be and hereby are permitted to withdraw the award amount as per the ratio of apportionment made by the tribunal, be making necessary application before the tribunal, and

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

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The Motor Accidents Claims Tribunal,
I Additional District Court, Madurai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1cc to Mr.S.Manohar, Advocate in S.R.No.25403

ORDER DATED : 09/12/2020

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DECREE

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CMA(MD) .No.254 of 2010

Nature of Decree:-While
Allowing the Appeal in part and
modifying the award passed by
the tribunal below as against
the Judgment and Decree in
M.C.O.P.No.109 of 1999 dated
05/03/2007 on the Motor
Accident Claims Tribunal/I
Additional District Court,
Madurai, etc.,

KMV (CO)

TR(22.01.2021) 2P 5C