



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

Thursday, the Twenty Third day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.510 of 2020
IN
CMA(MD) No.176 of 2019

THE STATE EXPRESS TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
DINDUGUL BRANCH.

... PETITIONER/APELLANT

Vs

1 V.CHINNAPPAN,
2 HARIRAM,

... RESPONDENTS/RESPONDENTS

(THE 2nd RESPONDENT IS THE DRIVER OF THE
APPELLANT AND THAT GIVEN UP)

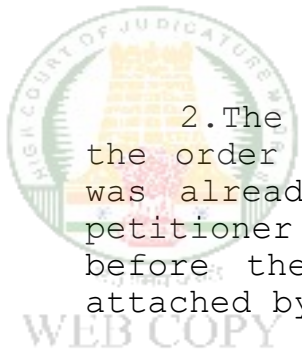
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay in depositing the 75 % of the award amount due to financial constrains faced by the petitioner/transport corporation and orders may be passed to release the vehicle bearing Regn. No.TN-01-AN-2157 which is under attachment from 18.12.2019 in connection with the order passed in EP.No.05/2019 in MCOP.No.117 of 2017 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Dindigul and thus render justice.

PRAYER IN CMA(MD) No.176 of 2019:

Pleased to allow this appeal, set aside the Award and decree dated 25.10.2018 passed in M.C.O.P.No.117 of 2017 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Dindugul.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.PRABHAKARAN, Advocate for the petitioner and of Mr.D.Venkatesh, Advocate for R1, the court made the following order:-

Both side counsel are present.



2.The learned counsel for the petitioner submitted that as per the order of this Court dated 05.03.2019, 75% of the award amount was already deposited with a delay. The learned counsel for the petitioner represented that though 75% of award amount was deposited before the Tribunal, a bus that belongs to the petitioner was attached by the Tribunal and prays the attachment to be vacated.

3.The respondent counsel has no serious objection.

4.It is seen that 75% of award amount was already deposited with a delay. The petitioner is questioning the liability also.

5.In the above circumstances, the attachment is raised and Tribunal is directed to release the vehicle as the attachment of the bus will cause hindrance to the public.

6.Hence, this petition is allowed and the attachment is vacated.

sd/-
23/01/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE CHIEF JUDICIAL MAGISTRATE/
MOTOR ACCIDENT CLAIMS TRIBUNAL,
DINDIGUL.

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-1205[I] dated 23/01/2020)

ORDER
IN
CMP (MD) No.510 of 2020
IN
CMA (MD) No.176 of 2019
Date :23/01/2020

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ES/PN/SAR 2/23.01.2020/2P/3C

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