



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

Friday, the Fourteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.1549 of 2020
IN CMA(MD) No.171 of 2019

THE MANAGING DIRECTOR
TAMIL NADU STATE EXPRESS TRANSPORT
CORPORATION, CHENNAI.

... PETITIONER/ APPELLANT

Vs

1 GURUVAMMAL
2 RAMACHANDRAN
3 RAVI

(THE 3rd RESPONDENT IS THE DRIVER OF THE APPELLANT AND THAT GIVEN UP)

4 KATHIRVEL MURUGAN

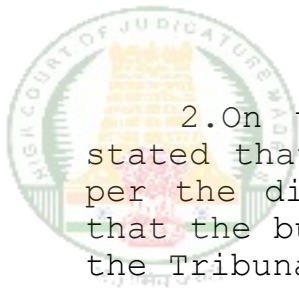
5 NATIONAL INSURANCE COMPANY LTD.,
OMALUR MAIN ROAD, SALEM.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of depositing the 50% of the award amount due to financial constraints faced by the petitioner/transport corporation and orders may be passed to release the vehicle bearing Regn.No. TN-01-AN-0455 which is under attachment from 03.02.2020 in connection with the order passed in EP.No. 69/2018 in M.C.O.P.No. 200 of 2010 on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Tenkasi and thus render justice.

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, the court made the following order:-

This petition has been filed to condone the delay in depositing 50% of the award amount. Due to financial constraints faced by the petitioner/transport corporation and orders may be passed to release the vehicle bearing Regn.No. TN-01-AN-1455 which is under attachment from 03.02.2020 in connection with the order passed in E.P.No69/2018 in M.C.O.P.No.200 of 2010 on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Tenkasi.



2. On the side of the petitioner/Transport Corporation, it is stated that the petitioner has deposited a sum of Rs.11,49.465/- as per the direction of this Court dated 05.03.2019 with a delay and that the bus of the petitioner Transport Corporation was attached by the Tribunal and the attachment may be vacated.

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3. On the side of the respondents, it is stated that the petitioner has not deposited the entire amount and hence, the claimants are forced to attach the bus and if the bus is released, the petitioner will not come forward to deposit the balance amount, objected this petition.

4. However, considering the fact that the petitioner/Transport Corporation has already deposited a sum of Rs.11,49.465/- and that the Civil Miscellaneous Appeal is ripe for arguments and also considering the fact that the bus is for public utility, this court is of the view that if the bus is attached, public will be affected at large. Hence, the attachment of the bus is lifted.

5. Accordingly, this petition is allowed and the delay is condoned.

6. The major claimants are permitted to withdraw the deposited amount with proportionate interest as per apportionment made by the Tribunal.

sd/-
14/02/2020

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

TO
THE PRINCIPAL SUBORDINATE JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL
TENKASI.

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-3117[I] dated 14/02/2020)

ORDER
IN
CMP (MD) No.1549 of 2020
IN
CMA (MD) No.171 of 2019
Date :14/02/2020

MS/PN/SAR-2/14.02.2020/2P.3C