



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

Tuesday, the Fifteenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) No.3862 of 2020

IN

CMA(MD) No.757 of 2019

ARULANANDHAM

... PETITIONER/1st RESPONDENT/
1st RESPONDENT

Vs

1.THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
BYE PASS ROAD, MADURAI - 16. ... 1st RESPONDENT/PETITIONER/
APPELLANT

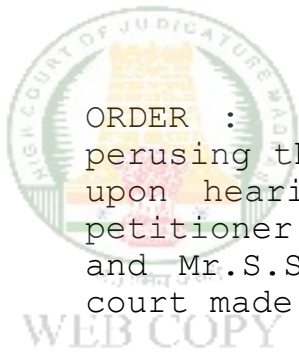
2 V. JAYALAKSHMI

3 THE AUTHORIZED REPRESENTATIVE,
HDFC ERGO GENERAL INSURANCE COMPANY LTD,
NEW No.528, OLD No. 559, ANNA SALAI,
TEYNAMPET, CHENNAI - 18. ... RESPONDENTS 2,3/RESPONDENTS 2,3/
RESPONDENTS 2,3

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner herein to withdraw 75% of the award amount, which has been deposited by the 1st respondent corporation to the credit of M.C.O.P.No.2204 of 2014 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Madurai, as per the order passed by this Hon`ble Court in CMP(MD) No 9727 of 2019 in CMA(MD)No.757 of 2019, pending disposal of the above Civil Miscellaneous Appeal.

Prayer in CMA(MD). 757/ 2019 :

To set aside the award and decree made in MCOP.No.2204/2014 dated 29.11.2018 on the file of the Motor Accident Claims Tribunal/ Chief Judicial Magistrate Court, Madurai



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.RAMADURAI, Advocate for the petitioner and of Mr.P.PRABHAKARAN, Advocate for the 1st Respondent and Mr.S.SRINIVASA RAGHAVAN, Advocate for the 3rd Respondent, the court made the following order:-

There was an accident involving a head on collision of two buses, one private bus and another State Transport Corporation Bus and in the accident, some 26 passengers of the private bus got injured, whereas, 28 passengers of the State Transport Corporation bus suffered injuries. The petitioner in this petition is a passenger in the private bus. Seeking compensation for the injuries suffered, he moved the Tribunal where he was Awarded a sum of Rs.27,58,750 payable with interest at 7.5% p.a. but, the entire liability was fastened on the first respondent/State Transport Corporation.

2.The learned counsel for the first respondent very vehemently, if not, strenuously argued that it is a case where even according to the claimant, the accident had occasioned due to a head on collusion between two buses and therefore, the Tribunal ought to have apportioned negligence in equal terms as between the driver of two buses. In short, he would say that if at all there is any liability to compensate on the part of the first respondent/State Transport Corporation, it cannot exceed more than 50%. Taking 50% for the present as the admitted liability(it is only presumed) as the same is not entirely conceded by the counsel for the first respondent, the extent of liability would be around 13.75 Lakhs.

3.The petitioner is now directed to withdraw Rs.10,00,000/- (Rupees Ten Lakhs only) from the compensation amount for the present.

4.Accordingly, the Civil Miscellaneous Petition is ordered.

sd/-
15/12/2020

/ 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, MADURAI.



COPY TO: THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAMADURAI, Advocate (SR-8194[I] dated 15/12/2020)

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ORDER IN
CMP (MD) No.3862 of 2020
IN
CMA (MD) No.757 of 2019
Date :15/12/2020

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AE/JC/SAR-II (23.12.2020) 3P / 4C