

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE NINETEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.998 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Limited,
3/137, Salamedu, Vazhuthareddy,
Villupuram 605 602. ..Appellant/Respondent

Vs.

1.Indirani
2.Sivapriya
3.Kalaiselvi
4.Minor Sakthi Sundaram
(Minor represented by his next friend/
mother Indirani, 1st respondent) ..Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against award and Decree dated 16.06.2020 made in M.C.O.P.Nos.869 of 2018 on the file of Motor Accidents Claims Tribunal, Additional District Court, Krishnagiri.

Decree: This Civil Miscellaneous Appeal coming on for admission on this day and upon perusing the grounds of Appeal, the order of the Lower Court, and the material papers in this case and upon hearing the arguments of Mr.K.J.Sivakumar, Advocate for the Appellant doth order and decree as follows:

1. that the compensation as awarded by the tribunal by fixing 65% contributory negligence on the part of the deceased and 35% negligence on the part of the appellant herein / Transport Corporation be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

2. that the Appellant herein / Respondent / Transport Corporation be and hereby is directed to deposit a sum of Rs.5,20,625/- (Rupees Five Lakhs Twenty Thousand and Six hundred

twenty five only) being 35% of the amount awarded by the tribunal along with proportionate interest and costs less the amount if any already deposited within a period of twelve weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.869 of 2018.

3. that on such deposit being made the respondents 1 to 3 herein / claimants 1 to 3 shall withdraw their respective share of the award amount as per ratio of apportionment fixed by the tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the tribunal.

4. that the tribunal be and hereby is directed to deposit share of the minor 4th respondent herein / 4th claimant in any one of the nationalized banks till the minor 4th claimant attains majority.

5. that on such deposit being made the 1st respondent herein / 1st claimant being the mother of the minor 4th respondent herein / 4th claimant shall withdraw the accrued interest once in three months for the welfare of the minor 4th respondent herein / 4th claimant.

6. that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Additional District Judge,
Motor Accidents Claims Tribunal,
Krishnagiri.

2.The Section Officer,
VR Section,
High Court,
Madras.

+1 CC to Mr.K.J.Sivakumar, Standing Counsel for TNSTC SR 17883

Dated:- 19/03/2021

ORDER:

CMA No.998 of 2021

 Dismissing the Civil
Miscellaneous Appeal preferred
against the judgment and Decree
dated 16.06.2020 made in
M.C.O.P.No.869 of 2018 on the file
of the Motor Accidents Claims
Tribunal / Additional District
Court, Krishnagiri etc as stated
within.

NRJK(CO)

RGA(16/09/2021) (23/09/2021)