

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.1001 of 2021

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

1.Bhagyamm

2.Minor Dhanush

3.Minor Pallavi

(Minors represented by their next friend/
mother Bhagyamm, 1st respondent)

4.Pillamma ..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.870 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 this court observed that bus bearing Registration No.TN25-N-0544 belonging to Appellant herein / Respondent / Transport Corporation was attached in E.P.No.117 of 2020 vide attachment order dated 12.03.2021 and doth order and decree as follows:

1. that the compensation as awarded by the tribunal below 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 / Transport Corporation be and hereby is directed to deposit a sum of Rs.6,86,000/- (Rupees

Six lakhs Eighty six thousand 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 however, 25% of the 35% of the award amount determined by the tribunal (i.e., Rs.1,71,500/- (25% of Rs.6,86,000/-) within a period of four weeks from 19.03.2021 to the credit of M.C.O.P.No.870 of 2018.

3. that on such deposit being made by the Appellant herein / respondent / Transport Corporation, the Additional District Judge, Krishnagiri be and hereby is directed to release the bus bearing Registration No.TN25N0544 that was attached on 12.03.2021 vide E.P.No.117 of 2020.

4. that the Appellant herein/ Transport Corporation be and hereby is directed to deposit another 25% of the 35% of the award amount (i.e., Rs.1,71,500/- (25% of Rs.6,86,000/-) within a period of four weeks and thereafter the remaining 50% of the 35% of the award amount (i.e Rs.3,43,000/- (50% of Rs.6,86,000/-) within a period of four weeks thereafter.

5. that on such deposit being made the 1st and 4th respondent herein / 1st and 4th claimant shall withdraw their respective share of the award amount as per ratio of apportionment fixed by the tribunal along with interest and costs less the amount if any already withdrawn by making necessary applications before the tribunal.

6. that the tribunal be and hereby is directed to deposit the share of the minor respondent 2 & 3 herein / Claimants 2&3 in any one of the Nationalized bank till the minor claimants 2&3 attain their age of majority.

7. that on such deposit being made the 1st respondent herein / 1st claimant being the mother of the minor respondents 2 and 3 / minor claimants 2&3 shall withdraw the accrued interest once in three months for the welfare of the minor respondent 2&3 herein / Claimants 2&3.

8. 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 TNSCTC SR 17884

Dated:- 19/03/2021

ORDER:

CMA No.1001 of 2021

 Dismissing the Civil
Miscellaneous Appeal preferred
against the judgment and Decree
dated 16.06.2020 made in
M.C.O.P.No.870 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)