



IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

WEB COPY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.171 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division) Limited,
Periyamilaguparai,
Trichy - 1.

.. Appellant/1st Respondent

Vs.

..1st Respondent/ Petitioner

1.R.Anjalai
2.P.Rajendran
3.The Manager,
M/s.United India Insurance Company Limited,
74 A, Salai Road,
Trichy - 620 018.

.. Respondents2&3/ Respondents2& 3

Prayer: The Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate's Court, Perambalur dated 09.07.2020 made in M.C.O.P.No.800 of 2013.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal , the order of the Tribunal court and the material papers in the case and upon hearing the arguments of Ms.P.Rajathi for Mr.D.Raghu,Advocate for the Appellant and of Mr.T.Gobinath, Advocate for the first respondent and the Ms.I.Malar, Advocate for the third respondent and this court while allowing this appeal by remanding back the appeal to the Tribunal,doth order and decree as follows:

i)that the award passed made in M.C.O.P.No.800 of 2013 dated 09.07.2020 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate's Court, Perambalur be and hereby is set aside and the appeal is remitted to the Motor Accidents Claims Tribunal, Chief Judicial Magistrate's Court, Perambalur do restore the appeal to the Original Number in the register and proceed to dispose the case in the light of the observations and direction containing in the judgment for fresh consideration for fixing negligence.



ii)that the appellant/Transport Corporation be and hereby is permitted to withdraw the award amount, if any lying in the credit of M.C.O.P.No.800 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate's Court, Perambalur, if the award amount has been already deposited by them.

iii)That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,Perambalur.

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

+1cc to Mr.D.Raghu, Advocate SR.No. 8009

DATED:12.02.2021

DECREE

C.M.A.No.171 of 2021

Allowing the appeal preferred against the judgment and decree of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate's Court,Perambalur dated 09.07.2020 made in M.C.O.P.No.800 of 2013 etc as stated within.

PVS (CO)

A.SK(11.10.2021)