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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.4091 of 2019

and

C.M.P.No.23114 of 2019

(Through Video Conferencing)

The Managing Director,
Andhrapradesh State Road Transport
Corporation Ltd.,
Tirupathi.

... Appellant

Vs.

1.Sumathi

2.Minor. Nethra

3.Minor. Yashwanth

4.Malliga

... Respondents

(Minors R2 and R3 represented by their N.F
and Guardian mother Sumathi)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 24.04.2018 passed by the Subordinate Judge, Motor Accidents Claims Tribunal at Tiruttani in M.C.O.P.No.195 of 2014.

For Appellant : M/s.G.V.Shoba

For Respondents : No appearance

J U D G M E N T

Though the notice has been served on the respondents/claimants, there is no representation on behalf of them. Since no adverse orders are proposed to be passed against them, this Civil Miscellaneous Appeal is taken up for hearing and final disposal.

2. The Andhra Pradesh State Road Transport Corporation (APSRTC) is the appellant in this Civil Miscellaneous Appeal.



It is aggrieved by the impugned Judgment and Decree dated 24.04.2018 passed by the Motor Accidents Claims Tribunal (Subordinate Judge's Court), Tiruttani in M.C.O.P.No.195 of 2014.

3. The only ground, on which the present Civil Miscellaneous Appeal has been filed, is that the Tribunal has failed to consider the Exhibit R1 Letter of the appellant and Exhibit R4 Accident Register. As per which, it is stated that the deceased was smelling alcohol at the time of the accident. It is stated that the Tribunal has ignored the same stating that in absence of any other medical test conducted on the deceased, it cannot be held that the deceased had contributed to the accident.

4. I have considered the arguments advanced by the learned counsel for the appellant. I have perused the impugned Judgment and Decree passed by the Tribunal, the evidences filed in support of the claim petition before the Tribunal and the Exhibits R1 to R4.

5. Exhibit R1 Letter of the appellant and Exhibit R4 Accident Register ipso facto cannot establish as to whether the deceased was under the influence of alcohol at the time of the accident or not. Therefore, I do not find any irregularity in the impugned Judgment and Decree passed by the Tribunal. Therefore, the award passed by the Tribunal is confirmed and the present appeal is liable to be dismissed.

6. The appellant Andhra Pradesh State Road Transport Corporation is directed to deposit the amount of compensation awarded by the Tribunal together with interest as was directed by the Tribunal, less any amount already deposited, within a period of eight weeks from the date of receipt of a copy of this Judgment.

7. On such deposit, the first and fourth respondents are permitted to withdraw their share in the same proportion awarded by the Tribunal, less any amount already withdrawn, by filing suitable application before the Tribunal.

8. Since the second and third respondents are minors, their share shall be deposited in any one of the Nationalised Bank under reinvestment scheme till they attain the age of majority. The first respondent, who is the guardian of the minors, is however permitted to withdraw the accrued interest from the minor's deposit once in three months directly from the said Bank. On attaining majority, the second and third respondents are to be permitted to withdraw their share, by filing suitable application before the Tribunal.



9. This Civil Miscellaneous Appeal is dismissed with the above observations. No cost. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jen
To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Tiruttani.

+1cc to Mr.C.Rameshbabu, Advocate Sr.24168
+1cc to Mr.G.V.Shoba, Advocate Sr.24101

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srg 17/11/2021