

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. No.1298 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Dharmapuri. ... Appellant/2nd Respondent

Vs.

1.Selvam ...1st Respondent/Petitioner

2.The Managing Director,
Karnataka State Transport Corporation Ltd.,
Bangalore. ... 2nd Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the common judgment and decree dated 07.02.2014, made in M.C.O.P. No.317 of 2011, on the file of the Chief Judicial Magistrate, (Motor Accident Claims Tribunal), Tiruvannamalai.

For Appellant : Mr.D.Venkatachalam

J U D G M E N T

(The matter is heard through "Video Conferencing/Hybrid mode")

This Civil Miscellaneous Appeal has been filed by the appellant-Tamil Nadu Transport Corporation questioning the 50% liability fixed on them by the common award dated 07.02.2014, made in M.C.O.P. No.317 of 2011, on the file of the Chief Judicial Magistrate, (Motor Accident Claims Tribunal), Tiruvannamalai.

2.This Court, by the common judgment dated 04.12.2014, made in C.M.A.Nos.3148 & 3149 of 2014 filed by the 2nd respondent - Karnataka Transport Corporation, already confirmed the finding of the Tribunal in the award dated 07.02.2014, made in M.C.O.P. No.316 of 2011, that both the drivers of the Tamil Nadu Transport Corporation/appellant as well as the Karnataka Transport Corporation/2nd respondent are equally responsible for the accident and fixed negligence equally on both of them.

3. In view of the same, this appeal filed by the appellant-Transport Corporation is dismissed and the amount awarded by the Tribunal at Rs.1,46,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit is confirmed. The appellant as well as the 2nd respondent are each directed to pay a sum of Rs.73,000/-, being 50% of the award amount to the 1st respondent/claimant along with interest and costs, less the amount already deposited, if any, 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.317 of 2011. On such deposit, the 1st respondent is permitted to withdraw the award amount, along with interest and costs, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal.

4. In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(C.S.II)

//True Copy//

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
(Motor Accident Claims Tribunal),
Tiruvannamalai.

AKM/31.03.21/ 2P-2C/

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