

IN THE HIGH COURT OF JUDICATURE AT MADRAS

SATURDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Civil Miscellaneous Appeal No.3270 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
Coimbatore.

.. Appellant/2nd Respondent

Vs.

K.Logendiran

..Second Respondent/
1st Respondent

P.Govindaraj

..Second Respondent/
1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award and Decree dated 07.04.2016 made in M.C.O.P.No.771 of 2010 on the file of Motor Accidents Claims Tribunal/Subordinate Court, Sathyamangalam.

DECREE : This Civil Miscellaneous Appeal coming on for hearing/as to admission on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.Sundaravathanam, Advocate for the Appellant and Mr.M.Lokesh, Advocate for the 1st respondent, this Court while modifying the order of the Tribunal, doth order and decree as follows:

(i)that the appellant herein transport herein transport corporation be and hereby is directed to pay the entire compensation awarded by the claims Tribunal, with interest to MCOP along with interest and costs, less the amount if any already deposited within a period of twelve weeks from the date of receipt of this judgment to the credit of M.C.O.P.No.771 of 2010 on the file of the Motor Accidents Claims Tribunal,Sub Judge, Sathyamangalam.

(ii)that on such deposit being made the tribunal be and hereby is directed to transfer the entire amount to the claimants by way of RTGS within a period of three weeks from the date of deposit or the receipt of Bank details from the claimant/ or application for withdrawal from the claimant which ever is later.

(iii) That the Transport Corporation/2nd Respondent be and hereby is entitled to recover 50% of the compensation awarded by the Tribunal from the owner of the two wheeler bearing Registration No.TN 43 C 3165.

(iv) that is all other aspects the award passed by the Tribunal be and hereby is confirmed.

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

(vi) That consequently connected Miscellaneous petitions is closed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
The Subordinate Judge, Sathyamangalam

Copy to:

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

+1CC to Mr.Ma.P.Thangavel, Advocate, Sr.No.23548

Dated : 17.04.2021

DECREE :

C.M.A.Nos.3270 of 2017

Partly allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree dated 07.04.2016 made in M.C.O.P.No.771 of 2010 on the file of the Motor Accidents Claims Tribunal/Subordinate Judge, Sathyamangalam, etc., as stated therein.

KV (CO)
K.RK. (13.09.2021)