



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Fourth day of March Two Thousand and Twenty One

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PRESENT

The Hon'ble Mrs. Justice T. KRISHNAVALLI
CMA(MD). No.554 of 2016

TAMIL NADU STATE TRANSPORT CORPORATION LIMITED,
THROUGH ITS GENERAL MANAGER,
HAVING OFFICE AT VANNARPETTAI,
TIRUNELVELI-3.

... Appellant/ Respondent

Vs

N.MURUGAN

... Respondent/Petitioner

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award passed by the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli, in MCOP No.481 of 2013, dated 28.03.2014.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR.P.PRABHAKARAN, Advocate for the Appellant and of MR.SASIKUMAR, ADVOCATE FOR MR.Y.PRAKASH, Advocate for the respondent, while allowing the appeal in part and modify the award passed by the Tribunal below, this Court doth order and decree as follows:-

(i) That the negligence, be and hereby is fixed at 80% on the part of the Bus Driver and 20% on the part of the Injured claimant who is the driver of the Auto;

(1) That the Appellant/Transport Corporation be and hereby is directed to deposit their apportionment of negligence amount Rs.3,26,064/- (Rupees Three Lakhs Twenty Six Thousand and Sixty Four Only) as fixed by this Court before the Tribunal together with interest at rate of 7.5% p.a. from the date of claim petition, till the date of deposit;

(2) On such deposit, the claimant be and hereby is entitled to withdraw the entire amount without filling any formal petition before the tribunal;

(3) That the excess amount if any, shall be refunded to the Appellant/Transport Corporation; and



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

Sd/-

Assistant Registrar (CO)

// True Copy //

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Sub Assistant Registrar(CS)

TO

The Special Subordinate Judge, (MACT)
Tirunelveli.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-8612 dated 04/03/2021)

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-9290 dated 05/03/2021)

ORDER DATED : 04/03/2021

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DECREE
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CMA(MD) . No.554 of 2016

Nature of Decree:- Dismissing
the Civil Miscellaneous
Appeal preferred against the
award passed by the Motor
Accident Claims Tribunal
(Special Sub Court),
Tirunelveli, in MCOP No.481
of 2013, dated 28.03.2014
etc. stated within.

RD(5.08.2021) 2P 6C