



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.M.A(MD).No.651 of 2021 and

CMP(MD).No.6197 of 2021

WEB COPY

M/s. Tamil Nadu State Transport Corporation Ltd.,
rep. by its Managing Director,
No.2, Thiruvananthapuram Road,
Tirunelveli.

... Appellant / 2nd respondent

Vs.

1.Murugan
2.Suresh

... Respondent/Claimant

... Respondents / 1st Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to call for the records relating to the order and decretal order dated 08.09.2020 passed in MCOP.No.435 of 2014 on the file of Motor Accidents Claims Tribunal / Additional Sub Court, Tenkasi.

For Appellant

... Mr. R. Rajamohan

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant / Transport Corporation to set aside the Award, dated 08.09.2020 passed in MCOP.No.435 of 2014 on the file of Motor Accidents Claims Tribunal / Additional Sub Court, Tenkasi on the ground that the first respondent / claimant filed two MCOPs for the same accident. The impugned order passed by the Tribunal in MCOP.No.435 of 2014 vitiated by fraud and mis-representation by suppressing the earlier claim petition in MCOP.No.235 of 2017.

2. Heard the learned counsel appearing for the appellant. Even though the Court notice served on the first respondent no one appeared for him.

3. On perusal of the records it is seen that both the claim petitions in MCOP No. 435 of 2014 and MCOP.No.235 of 2017 filed by the same person for the very same accident occurred on 14.07.2014 at 1.30 p.m., When the claimant went from West to East by two wheeler bearing Regn. No.TN72N 1810 met an accident with the first respondent bus.

4. In MCOP.No.235 of 2017, the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Thirunelveli has awarded

<https://hcservices.ecourts.gov.in/hcservices/>



compensation on 08.02.2019 for the same accident without disclosing the earlier MCOP.No.435 of 2014 on the file of the Motor Accident Claims Tribunal / Principal Subordinate Court, Tenkasi.

5. Even though MCOP.No.435 of 2014 filed prior to the MCOP.No.235 of 2017, the award was passed earlier in MCOP.No.235 of 2017 and hence, the award dated 08.09.2020 passed in MCOP.No.435 of 2014, on the file of the Motor Accident Claims Tribunal / Additional Subordinate Court, Tenkasi is liable to be set aside and accordingly, the Award passed in MCOP.No.435 of 2014 is set aside.

6. In the result, the Civil Miscellaneous Appeal is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

7. The learned counsel for the appellant would submit that the appellant / Transport Corporation has already deposited the entire award amount before Tribunal in respect of MCOP.No.435 of 2014 , on the file of the Motor Accident Claims Tribunal / Additional Subordinate Court, Tenkasi. If the appellant / Transport Corporation deposited any amount in MCOP.No.435 of 2014, they are entitled to withdraw the same.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The Motor Accidents Claims Tribunal / Additional Sub Court,
Tenkasi.

Copy to

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-30961[F] dated 01/10/2021)

C.M.A(MD) .No.651 of 2021 and
CMP (MD) .No.6197 of 2021

30.09.2021

RK (07.10.2021) 2P 5C