



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Nineteenth day of March Two Thousand and Twenty One

PRESENT:

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CMA(MD)No.454 of 2018

THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION LTD.,
NO.2 TRIVANDRUM ROAD
VANNARAPETTAI, TIRUNELVELI.

... Appellant/Respondent.

Vs

1 MUTHULAKSHMI
2 PREMKUMAR
3 ANGEL
4 LAKSHMI

... Respondents/Petitioners.

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 03/10/2017 in M.C.O.P. No.1817 of 2016 on the file of Motor Accident Claims Tribunal (II Additional District Court), Tirunelveli.

DECREE:-This Civil Miscellaneous Appeal coming for hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to this Appeal and upon hearing the arguments of Mr.P.PRABHAKARAN, Advocate for the Appellant and of Mr. T.SELVAKUMARAN, Advocate for the Respondents, this Court while allowing the appeal in part, doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal (II Additional District Court), Tirunelveli, dated 03/10/2017 made in M.C.O.P. No.1817 of 2016 be and hereby in respect of the negligence is fixed at 90% on the part of the Bus Driver and 10% on the part of the rider of the two wheeler;

(2) That the Appellant herein/Transport Corporation be and hereby directed to deposit their apportionment of negligence amount as fixed by this Court before the Tribunal together with interest at the rate of 7.5% p.a. from the date of petition, till the date of deposit;

(3) That on such deposit being made, the respondents/claimants be and are hereby permitted to withdraw the entire amount as per the apportionment of the Tribunal without filling any formal petition before the Tribunal and 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 (AE)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal
(II Additional District Court), Tirunelveli.

Copy to: The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai(2 Copies)

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-12449 dated 19/03/2021)

ORDER DATED : 19/03/2021

=====
DECREE
=====

CMA(MD) No.454 of 2018

Allowing this Civil Miscellaneous Appeal
in part preferred against the against the
award dated 03/10/2017 in M.C.O.P.
No.1817 of 2016 on the file of Motor
Accident Claims Tribunal (II Additional
District Court), Tirunelveli and etc., as
stated within.

KB(07.06.2021) 2P 5C