

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.09.2022**

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.M.A(MD)No.1210 of 2009

Tamil Nadu State Transport Corporation Limited,
Represented through its Managing Director,
Coimbatore-641 043

... Appellant

vs.

1.S.Ramalingam

2.R.Chamundeeswari

3.R.Chitra

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 amended by Motor Vehicles (Amendment) Act, 1994, to set aside the judgment and decree passed by the learned Motor Accident Claims Tribunal, Additional District Sessions Court, (Fast Track Court No.I), Madurai, in M.C.O.P.No.247 of 2007 dated 01.09.2008.

For Appellant : Mr.S.Royce Emmanuel

For Respondents : Mr.K.K.Ramakrishnan

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant / Transport Corporation against the award, dated 01.09.2008, made in M.C.O.P.No.247 of 2007, on the file of the Motor Accident Claims Tribunal, Additional District Sessions Court (Fast Track Court No.1), Madurai.

2. The appellant / Transport Corporation is the respondent in M.C.O.P.No.247 of 2007. The respondents/claimants filed a claim petition before the Motor Accident Claims Tribunal, Additional District Sessions Court (Fast Track Court No.1), Madurai, claiming a sum of Rs.3,00,000/- as compensation, for the death of Muthulakshmi in the road accident that occurred on 12.06.2006.

3. The Tribunal, after considering the oral and documentary evidences and arguments made on either side, allowed the claim petition and awarded a sum of Rs.2,89,000/- with 7.5% interest per annum as compensation to the claimants. Against which, the appellant/Transport Corporation has filed this present appeal.

4. Today, when the matter was taken up for hearing, the learned counsel appearing for the appellant / Transport Corporation submitted that now, the appellant has not challenged the award passed by the Tribunal and they concede that the Award passed by the Tribunal is just and reasonable. Therefore, the award passed by the Tribunal may be confirmed.

5. In view of the said submission made by the learned counsel for the appellant / Transport Corporation, the Civil Miscellaneous Appeal is dismissed by confirming the Award, dated 01.09.2008, made in M.C.O.P.No.247 of 2007, on the file of the Motor Accident Claims Tribunal, Additional District Sessions Court (Fast Track Court No.1), Madurai. The appellant/Transport Corporation is directed to deposit the entire award amount to the credit of M.C.O.P.No.247 of 2007, on the file of the Motor Accident Claims Tribunal, Additional District Sessions Court, (Fast Track Court No.I), Madurai, less the amount already deposited, if any, along with interest at the rate of 7.5% per annum from the date of petition till date of realization and proportionate costs, within a period of four weeks from the date of receipt of a copy of this Judgment.

6. On such deposit being made, the respondents/claimants are entitled to withdraw their respective shares with accrued interest and costs, as apportioned by the Tribunal, less the amount already withdrawn, if any, by making necessary application before the Tribunal. No costs.

08.09.2022

Index :Yes/No

Internet :Yes/No

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To

1.The Motor Accident Claims Tribunal,
Additional District Sessions Court,
(Fast Track Court No.I),
Madurai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.M.A(MD)No.1210 of 2009

A.A.NAKKIRAN,J.

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JUDGMENT MADE IN
C.M.A(MD)No.1210 of 2009

08.09.2022