



WEB COPY



C.M.A. No.3242 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.M.A. No.3242 of 2014
and MP.No.1 of 2014

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division II,
37, Mettupalaym Road,
Coimbatore 43.

...Appellant

Versus

1. A.Kairunusa
2. S.Abu Baker
3. Sampath Kumar
[R3-Driver Given up]
4. K.A.Abbas
5. Branch Manager,
New India Assurance Co. Ltd.,
11-19, 20 Govt. Arts College Road,
Coimbatore 18.

...Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the fair and decreetal order dated 23.12.2010 passed in MCOP.No.619 of 2007 by the learned Judge, FTC V, Motor Accident Claims Tribunal, Tiruppur.



C.M.A. No.3242 of 2014

WEB COPY

For appellant : Mr.S.S.Swaminathan

For respondents

for RR1 & 2 : Mr.Ma.P.Thangavel

for RR3 to 5 : Dismissed vide Court order dt. 13.02.2023

J U D G M E N T

This appeal has been filed by the Transport Corporation challenging the fair and decreetal order dated 23.12.2010 passed in MCOP.No.619 of 2007 by the learned Judge, FTC V, Motor Accident Claims Tribunal, Tiruppur.

2. It is the case of the claimants, who are the parents of the deceased minor Mukthasheer that on 06.10.2006 at about 9.00 p.m., the deceased was travelling in an Omni Van bearing Registration No.TN-33-AA-5447, driven by the fourth respondent from Avinashi to Coimbatore. When the Van reached Unjappalaym Pirivu, Karumathampatti, a Corporation Bus bearing Registration No.TN-33-N-1937 came in a rash and negligent manner and dashed against the Omni Van. Due to the impact, the deceased succumbed to the injuries on the spot. Hence, the claimants made a claim for a sum of Rs.4,00,000/- against the appellant Transport Corporation and the fifth respondent, who is the insurer of the Van.



C.M.A. No.3242 of 2014

WEB COPY

3. The claim petition was contested by the appellant Transport Corporation disputing the manner of accident and their liability before the Tribunal.

4. The Tribunal after analysing the evidence adduced on both sides came to the conclusion that the claimants are entitled for a sum of Rs.2,25,000/- as compensation and fixed negligence on the appellant and fifth respondent in the ratio of 50:50 i.e., both of them are liable to pay Rs.1,12,500/- each.

5. Challenging the quantum and liability, the Transport Corporation has filed this appeal. However, the learned counsel appearing for the appellant Transport Corporation today fairly conceded that they have no dispute with regard to the quantum and the 50% liability fixed on their part by the Tribunal.

6. Recording the submissions of the learned counsel for the appellant Transport Corporation, this Civil Miscellaneous Appeal is dismissed. The appellant is directed to deposit their share of amount, which shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation, to the credit of the claim petition with proportionate interest and



C.M.A. No.3242 of 2014

costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2023

Speaking Order : Yes / No
Index : Yes / No
pvs

To

1. The Fast Track Court V,
The Motor Accident Claims Tribunal, Tiruppur
2. The Section Officer,
V.R.Section, High Court, Madras.



WEB COPY



C.M.A. No.3242 of 2014

A.A.NAKKIRAN, J.

pvs

C.M.A. No.3242 of 2014

02.06.2023