



C.M.A.No.2330 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

**C.M.A.No.2330 of 2024
and CMP.No.18490 of 2024**

The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Division I,
37, Mettupalayam Road,
Coimbatore 641 043,
Branch at C.T.C.Dipo,
Tirupur District.

..Appellant

Vs.

1.Mala
2.Marimuthu

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 13.04.2022 made in M.C.O.P.No.2320 of 2019 on the file of the Special Motor Accident Claims Tribunal, Presiding Officer, Tiruppur.

For Appellant : Mr.M.Murali Vinodh

For Respondents : No appearance

J U D G M E N T



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(The order of the Court was made by Mrs.J.Nisha Banu,J.)

This civil miscellaneous petition has been filed by the Transport Corporation against the judgment and decree dated 13.04.2022 made in M.C.O.P.No.2320 of 2019, on the file of the Special Motor Accident Claims Tribunal, Presiding Officer, Tiruppur, challenging the award of compensation.

2. On 02.11.2019, the driver of the State Transport corporation drove the bus in its trip from Coimbatore to Tanjavore and when it was nearing Sulur Papampatti, the bus dashed against a TVS XL Super, came from opposite side, which was driven by one Selvam. Due to that accident, the said Selvam sustained grievous injuries all over the body and died. The respondents, who are the wife and the father of the deceased had filed a Claim Petition in M.C.O.P.No.2320 of 2019, before the Exclusive Motor Accident Claims Tribunal, Tiruppur, claiming a sum of Rs.40,00,000/- as compensation. The Tribunal, vide order dated 13.04.2022, had awarded a sum of Rs.24,89,200/-. Aggrieved by the same, the appellant Transport Corporation has filed this appeal.



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3. When the matter is taken up for hearing, the learned counsel appearing for the appellant submitted that the entire award amount of Rs.24,89,200/- along with 7.5% interest and cost, has been fully deposited by the appellant Management before the Tribunal and the appellant have no objection for the withdrawal of the entire amount by the respondents/claimants. Therefore, recording the same, this appeal may be closed.

4. This Court has perused the entire records and heard the learned counsel for the appellant. Though notice has been served on the respondents, there is no appearance on behalf of them.

5. On perusal of the records, it is found that the appellant has filed a memo stating the different dates on which the entire award amount has been deposited in six installments vide various cheques. Further it is submitted by the learned counsel for the appellant that the entire award amount along with interest has been deposited and they have no objection for the withdrawal of the said amount by the respondents.

J. NISHA BANU, J.



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and
R.KALAIMATHI,J.

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6. In view of the above, since the entire award amount has been deposited along with interest and the appellant also have no objection to withdraw the said amount by the respondents, nothing survives for further adjudication in this appeal. Therefore, this CMA is disposed of by directing the respondents to withdraw the award amount in the manner as directed by the Tribunal. No costs.

Index : Yes / No
Internet : Yes
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(J.N.B,J.) (R.K.M., J.)
04.10.2024

To
The Presiding Officer,
The Special Motor Accident Claims Tribunal,
Tiruppur.

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