



C.M.A(MD)No.1009 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1009 of 2021

The Managing Director,
The Tamil Nadu State Transport Corporation Limited,
Bypass Road, Madurai.

... Appellant

Vs.

K.Shahjahan (Died)
1.S.Sarabanu
2.Mumtaj Begam (died)
3.Minor.A.Mohammed Tamim Ansari

*(Minor 3rd Respondent represented
through his Maternal Grand Mother and
Guardian Mehar Banu who is appointed
as Natural Guardian of Minor R3, vide
Court order, dated 10.10.2023, made in
C.M.P.(MD)No.8034 of 2023 in C.M.A.
(MD)No.1009 of 2021)*

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree dated 04.11.2019 passed in M.C.O.P.No.1461 of 2015 on the file of the Motor Accident Claims Tribunal, (IV Additional District Judge), Madurai.

For Appellant	: Mr.K.Sudalaiyandi
For R1	: Mr.P.T.S.Narendravasan
R2	: Died
For R3	: Mr.Pragalathan



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JUDGMENT

The Transport Corporation has filed this Civil Miscellaneous Appeal.

2.It is a case of fatal. The plea of the Transport Corporation is that the deceased had a head injury which indicates that the deceased was not wearing helmet but the Tribunal has not considered the same while awarding the compensation. Further, the claimants have not produced the license of the deceased which will indicate that the deceased without license had driven the vehicle.

3.For these two lapses, this Court is inclined to reduce Rs.98,000/- from the total compensation awarded by the Tribunal. The Tribunal has awarded Rs. 14,98,000/- from which this Court is reducing Rs.98,000/-. Hence, the total compensation granted by this Court is Rs.14,00,000/-.

4. The appellant is directed to deposit Rs.14,00,000/- with interest at the rate of 7.5% per annum from 22.04.2015 till the date of realization and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already



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deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. The Tribunal had granted that respondents 1 to 3 are jointly entitled to the amount and the same is confirmed. On such deposit, the respondents 1 and 3 herein are permitted to withdraw their shares (the respondents 1 and 3 are entitled to Rs.4,00,000/- and Rs.10,00,000/- respectively) with proportionate accrued interests and costs, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal. The Tribunal is directed to deposit the share of the minor in the name of the minor child in a nationalized bank until the child attains majority. The maternal grand mother/guardian, is permitted to withdraw the interest amount once in three months. Once the minor 3rd respondent herein attains majority, he can withdraw the same with accrued interest.

5. With the above said observation, the Civil Miscellaneous Appeal is partly allowed. No costs.

21.02.2024
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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- 1.Motor Accident Claims Tribunal /
(IV Additional District Judge), Madurai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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