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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.931 of 2021

and

C.M.P(MD)No.8772 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation,
Collectorate Post, Bye Pass Road,
Dindigul.

... Appellant

Vs.

Arasangam

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree dated 02.03.2020 passed in MCOP No.41 of 2015 on the file of the Motor Accidents Claims Tribunal/Special Sub Judge, Madurai.

For Appellant : M/s.K.Sudalaiyandi

For Respondent : Mr.D.Boopal

JUDGEMENT

This Civil Miscellaneous Appeal is filed by the Transport Corporation to set aside the Judgment and Decree, dated 02.03.2020 passed in MCOP No.41 of 2015 on the file of the Motor Accidents Claims Tribunal/Special Sub Judge, Madurai.



2. It is a case of injury. The contention of the Transport Corporation is that the rider of the two-wheeler is also liable for the alleged accident. However, the Learned counsel appearing for the claimant submitted that there is no evidence to saddle with such allegation. Even in the First Information Report the appellant had not stated that the injured is also negligent.

3. However, the Learned counsel appearing for the appellant submitted since the First Information was filed by the claimant himself, the injured had not stated about his negligence. The appellant could not file another FIR, since for the same accident another FIR could not be filed. Considering the same, this Court is of the considered opinion that if the interest is waived, the same would meet the ends of justice.

4. By considering all these reasons, the Appellant is directed to deposit a sum of Rs.2,57,000/- in two equal monthly installments within a period of Ten weeks from the date of receipt of a copy of order, less the amount if already deposited. If the amount is not deposited within the stipulated time that is fixed by this Court, the same shall carry 7.5% interest from the date of default. The rest of the award granted by the Tribunal is confirmed.



5. With these observations and directions, this Civil Miscellaneous

Appeal is partly allowed. No Costs. Consequently, connected miscellaneous petition is also closed.

12.02.2024

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

To

1. The Motor Accident Claims Tribunal/
Special Sub Judge, Madurai.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

**Order made in
C.M.A(MD)No.931 of 2021**

12.02.2024