



C.M.A(MD)No.813 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.01.2024

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THE HON'BLE MR.JUSTICE S.SRIMATHY

C.M.A(MD)No.813 of 2021

and

C.M.P.(MD)Nos.7508 and 9054 of 2021

The Managing Director,
The Tamil Nadu State Transport Corporation,
Bye Pass Road, Madurai District.

... Appellant

Vs.

1.Elanchliyan
2.Banu
3.Minor.Abitha Sri

... Respondents

*(Minor respondent 3 is represented
through their Mother and Guardian
2nd respondent)*

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree, dated 08.11.2019, passed in M.C.O.P.No.1139 of 2017 on the file of the Motor Accident Claims Tribunal (VI Additional District Court), Madurai.

For Appellant : Mr.K.Sudalaiyandi
For R1 : Mr.K.Ravi
For R2 and 3 : Mr.S.Moorthy



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JUDGEMENT

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The Civil Miscellaneous Appeal is filed by TNSTC against the award passed by the Tribunal. It is the case of fatal.

2. The mode of accident is that the TNSTC Bus has hit the motor cycle which was plying before the bus. The Tribunal has rendered a finding that the TNSTC Bus Driver drove the vehicle in a rash and negligent manner and has fixed the liability on TNSTC.

3. The claim petition was filed by the son of the deceased born through 1st wife. The 2nd respondent is the 2nd wife of the deceased and the 3rd respondent is the minor daughter parented through the second wife.

4. Admittedly, the first wife has divorced the deceased and left the matrimonial home. Therefore, the claim is only among the son of the first wife, second wife and the minor daughter of the second wife. After going through the records and the available evidences, the Tribunal has awarded compensation of Rs.37,39,500/-. Aggrieved over the same, the



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present Civil Miscellaneous Appeal is filed.

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5. In the meanwhile, the claim petitioner had filed execution petition before the Tribunal and the matter was referred to Lok Adalat. In the Lok Adalat, the issue was settled stating that the Transport Corporation is liable to pay Rs.17,22,000/- as full and final settlement and the same was recorded on 14.10.2023. The Lok Adalat award is extracted hereunder:

“1. The 1st petitioner and the respondent have agreed to settle the claim at Rs.17,22,000/- (Rupees Seventeen Lakh and Twenty Two Thousand only) in full quit without interest and cost.

2. The respondent has agreed to deposit the agreed amount through cheque into the Court account within two months from the date of receipt of a copy of the order failing which interest at 7.5% is also payable in addition to the agreed amount.

3. Now the 1st petitioner is entitled to withdraw the entire amount of Rs.17,22,000/- without filing any formal petition.”

6. As far as the respondents 2 and 3 are concerned, the award granted by the Tribunal is confirmed herewith. The respondents 2 and 3 are entitled to as per the Tribunal award. Therefore, for respondents 2



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and 3, the award passed by the Tribunal is not modified but for the 1st respondent alone, the Tribunal award is modified as per the Lok Adalat award.

7. With the above said modification, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2024

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

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To

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1. Motor Accident Claims Tribunal
(VI Additional District Court), 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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Order made in
C.M.A(MD)No.813 of 2021

10.01.2024