



C.M.A(MD)No.356 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.356 of 2024

and

C.M.P(MD)No.4817 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Office at Number 2,
Trivandrum Road,
Vannarpettai,
Tirunelveli.

... Appellant

Vs.

1. Petchi
2. Sivanraj
3. Arumugam
4. Madasamy
5. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Office at Ranithottam,
Nesamony Nagar,
Nagarcoil.

... Respondents



C.M.A(MD)No.356 of 2024

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the order of the Motor Accident Claims Tribunal cum Special Sub Court, Tirunelveli made in M.C.O.P No.415 of 2022 dated 02.12.2023 and allow the appeal.

For Appellant : M/s.S.Micheal Heldon Kumar

JUDGEMENT

The Claimant has filed this Appeal to set aside the order of the Motor Accident Claims Tribunal cum Special Sub Court, Tirunelveli made in M.C.O.P No.415 of 2022 dated 02.12.2023 and allow the appeal.

2. It is a case of fatal. In the present accident the wife died, against which MCOP No.415 of 2022 had been filed. The husband had sustained injury, against which MCOP No.419 of 2022 had been filed.

3. The appellant Transport Corporation had filed the present appeal on the issue of negligence. It is seen that the appellant had preferred against the case of fatal but had not preferred any appeal against the case of injury. Therefore, this Court is of the



C.M.A(MD)No.356 of 2024

considered opinion that when the negligence is challenged in this Appeal, the Transport Corporation is bound to file an appeal in the injury case also. Therefore, this Court is not inclined to entertain this Appeal.

4. Accordingly, this Civil Miscellaneous Appeal stands dismissed. The award passed in M.C.O.P No.415 of 2022, dated 02.12.2023 on the file of the Motor Accident Claims Tribunal cum Special Sub Court, Tirunelveli, is hereby confirmed. No Costs. Consequently, connected miscellaneous petition is closed.

28.03.2024

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

KSA

To

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



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C.M.A(MD)No.356 of 2024

S.SRIMATHY, J.

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**Order made in
C.M.A(MD)No.356 of 2024**

28.03.2024