



C.M.A(MD)No.1237 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1237 of 2024

and

C.M.P.(MD)No.13000 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Near Railway Station,
Kumbakonam.

... Appellant

Vs.

1.Akila

2.The Branch Manager,
Tamil Nadu State Transport Corporation,
Karanthai Depo, Thanjavur.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act against the decree and judgment passed by the Motor Accident Claims Tribunal cum Special District Court, Thanjavur, dated 19.07.2023, in M.C.O.P.No.208 of 2019.

For Appellant : Mr.S.Micheal Heldon Kumar



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JUDGMENT

The Transport Corporation has preferred this Civil Miscellaneous Appeal.

2.It is a case of injury. The Tribunal has assessed the injury as 10% and granted compensation of Rs.1,22,500/- with 7.5% interest per annum. The contention of the Transport Corporation is that the injured was travelling as a pillion rider and the driver of the two-wheeler was solely responsible for the accident and negligence ought to be fixed on the driver of the two-wheeler. But the Tribunal has fixed the liability on the Transport Corporation and the same is erroneous.

3. On perusing the documents it is seen that the accident happened as “head on collision”. In such circumstances, the Transport Corporation cannot evade from their liability. Infact, FIR was filed against the Driver of the Transport Corporation. Therefore, the appellant has not raised any convincing legally sustainable ground. Therefore the order passed by the Tribunal is confirmed.

4.The appellant Transport Corporation is directed to deposit Rs.1,22,500/-



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with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.

5. With the above said observations, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2024

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

To

1. Motor Accident Claims Tribunal cum
Special District Court,
Thanjavur.
2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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