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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 375 of 2022

and

C.M.P(MD)No.3350 of 2022

The Managing Director,
TamilNadu State Transport Corporation,
Periyamilaguparai,
Trichy.

... Appellant

Vs.

1. Palanichamy

2. Pitchaiammal

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the order passed in M.C.O.P.No.195 of 2019, dated 31.01.2020 on the file of the Motor Accident Claims Tribunal (Additional Sessions Court), Karur.

For Appellant : Mr.M.Vishnuvarthanan

For Respondents : No appearance

JUDGEMENT

The Transport Corporation has preferred this appeal against the order passed in M.C.O.P.No.195 of 2019, dated 31.01.2020 on the



file of the Motor Accident Claims Tribunal (Additional Sessions Court),
Karur.

2. It is a case of fatal. The contention of the Transport Corporation is that the deceased was not wearing helmet at the time of accident. Also, he was not possessing valid driving license. Since the deceased was not wearing helmet, this Court is inclined to reduce the compensation. However, for not possessing of valid driving license, the entire negligence cannot be fixed on the deceased. Therefore, this Court is inclined to reduce a sum of Rs.90,000/- from the total award amount of Rs.10,90,000/-.

3. Accordingly, the Transport Corporation is directed to deposit Rs.10,00,000/- within a period of 12 weeks, from the date of receipt of a copy of the order, with 7.5% interest from the date of petition till the date of realization along with Costs, less the amount if already deposited. On such deposit the claimants are permitted to withdraw their respective share as apportioned by the Tribunal, less the amount if already withdrawn.



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4. With these modifications, this Civil Miscellaneous Appeal is partly allowed. No Costs. Consequently, connected miscellaneous petition is closed.

19.02.2024

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

To

1. The Motor Accident Claims Tribunal/
Additional Sessions Court),
Karur.
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.375 of 2022

19.02.2024