



C.M.A(MD)No.362 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.362 of 2022

and

C.M.P(MD)No.3265 of 2022

The Managing Director,
Tamilnadu State Transport Corporation,
Kumbakonam.

... Appellant

Vs.

1.Meena
2.Thiyagarajan
3.Vinoth Kannan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order, dated 04.08.2020, passed in M.C.O.P.No. 274 of 2018, on the file of the MACT (Principal Sub Court), Kumbakonam.

For Appellant : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.C.Arulmozhi Rajashankar

JUDGEMENT

This Civil Miscellaneous Appeal is filed by the Transport Corporation.

2.It is a case of fatal. The contention of the Transport Corporation is that the victim had head injury but subsequently succumbed to the injuries. The



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Tribunal has fixed contributory negligence of 10% for not wearing helmet. The Transport Corporation contended that the contributory negligence ought to be fixed as 25%. This Court is not inclined to entertain this plea, since 10% of contributory negligence is already fixed for not wearing helmet.

3. The next contention of the Transport Corporation is that the deceased was not having license and without verifying the license, the compensation cannot be awarded. Therefore, this Court is inclined to reduce Rs.50,000/- for not having license. Therefore, the total compensation is reduced to Rs.15,64,240/- from Rs. 16,14,240/-

4. The appellant is directed to deposit the reduced compensation of Rs. 15,64,240/- 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 claimants are permitted to withdraw their shares (the claimants 1 to 3 are entitled to Rs.12,84,240, Rs.1,40,000/- and Rs.1,40,000/- respectively) with proportionate accrued interests and costs, less the amount already withdrawn by them, if any, by filing appropriate application before the



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5. With the above said observation, the Civil Miscellaneous Appeal is party allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2024

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

Tmg

To

1.MACT / (Principal Sub Court),
Kumbakonam.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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